

the federal level under the broader hate crimes legislation that we introduce today. I look forward to examining that issue and considering ways to guard against unwarranted federal intrusions under this legislation. In the end, we should work on a bipartisan basis to ensure that the Hate Crimes Prevention Act operates as intended, strengthening federal jurisdiction over hate crimes as a back-up, but not a substitute, for state and local law enforcement.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Ms. COLLINS). Morning business is now closed.

NATIONAL MISSILE DEFENSE ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 257, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 257) to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

The Senate resumed consideration of the bill.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Madam President, the National Missile Defense Act of 1999 will make it the policy of the United States to deploy an effective missile defense system to defend against a limited ballistic missile attack as soon as technologically possible. Today, American citizens are completely vulnerable to ballistic missile attack.

Last year, when the Senate debated similar legislation, some suggested that our bill was premature, that there was not yet any reason to suspect that we were confronted with a ballistic missile threat. Now, however, there is no disagreement about the nature of the threat. Consider these recent developments:

(1) In 1997, the Director of Central Intelligence said, "Gaps and uncertainties preclude a good projection of when 'rest of the world' countries will deploy ICBMs."

(2) Last year, both Pakistan and Iran successfully tested new medium-range missiles, each based in some degree on a newly deployed North Korean missile, the No Dong.

(3) Also last year, in July, the bipartisan commission headed by the former Secretary of Defense, Donald Rumsfeld, reported its unanimous conclusions that foreign assistance to missile programs was a pervasive fact and that new ICBM threats to the United States might appear with "little or no warning."

(4) A few weeks after the Rumsfeld report, North Korea launched the

Taepo Dong 1, successfully demonstrating a multiple-staging capability, and using a solid-fuel third stage. According to the National Intelligence Officer for Strategic and Nuclear Systems, instead of having the expected 2,000-kilometer range, the Taepo Dong 1 can attack targets up to 6,000 kilometers away, which puts Alaska and Hawaii within its range. The Taepo Dong 2 is expected to be able to reach the entire United States.

(5) The Secretary of Defense announced in January that the ballistic missile threat to the United States was no longer in question. He said, "We have crossed that threshold."

These recent events have answered the question about the threat. The question today is whether we intend to defend ourselves against that threat. The National Missile Defense Act is the appropriate answer to that question. It will send a clear message—to our adversaries, our allies, and our own citizens—that the United States will not leave itself vulnerable to weapons of mass destruction delivered by long-range ballistic missiles.

Some may suggest instead a continuation of our old policy of mutual assured destruction. That was the policy of deterrence we used to deal with the threat from the former Soviet Union. Former Defense Secretary William Perry warned us about using this policy with a new class of rogue states that may be "undeterrable" in the sense that we understand that concept.

The fact is, we do not need to be at the mercy of a policy of mutual assured death or destruction. Assistant Secretary of Defense Edward Warner said in January,

I believe that we are unlikely to turn back to the point where we will rely only on deterrence. I think over time we will rely on a combination of deterrence by threat of retaliation and this limited type of national missile defense. . . .

The passage of this bill by the Senate will also send an important message to those who are working to develop our missile defenses. The development program has suffered from the lack of a commitment to deploy the system. No other acquisition program has been handled by the Defense Department without an endpoint of deployment to aim for and reach.

The National Missile Defense Act will put an end to this uncertainty by telling the talented people building this system that it will be put in the field just as soon as they can get it ready. The NMD contractor's program manager testified in the Armed Services Committee last month that passage of this legislation would be a major motivation for those building the system, saying, "It would make them feel better about the mission they are being asked to carry out than any one thing I can think of [and that] people are much more motivated by knowing that the Government is truly behind this. . . ."

Finally, passage of this bill will tell America's citizens that its Government

is meeting its first and most important constitutional duty—providing for the common defense. One legacy of the cold war may be the absence of a defense against a massive and deliberate strategic attack from the former Soviet Union. But vulnerability to attack by everyone who desires to threaten America does not have to continue, and our Government would be irresponsible if it were to let it continue.

Madam President, there is no purpose in this bill other than to clearly establish, as a matter of policy, that the United States will deploy, as soon as technologically possible, an effective national missile defense system which is capable against limited threats. There are no ulterior motives, no hidden goals; there is only an intent to correct a defense policy that leaves us vulnerable to a serious and growing threat.

On the subject of missile defense, there are other things the Senate could legislate, such as system architecture, schedule, costs, or ABM Treaty issues. These issues will have to be dealt with in due course. But none of them has to be resolved in this bill, and we should not let this legislation become an effort to answer all of the questions related to missile defense.

The question this bill addresses is not a simplistic one, as suggested by an administration spokesman; it is more fundamental: Will we, or will we not, commit in a meaningful way to defending ourselves against limited ballistic missile attack? Will we tell the world the United States will not be subject to blackmail by ballistic missile? Will we tell our citizens they will not be hostages to the demands of those nations who seek to coerce the United States?

We have heard many statements made to reassure us about the willingness of the United States to defend itself, but there is always an "if" attached—"if" the threat appears, "if" we can afford it, "if" other nations give us their permission. With all of these "ifs," these qualifiers, we should hardly be surprised that the world doubts the United States is serious about defending itself from ballistic missile attack. And no one should be surprised that, in the face of this doubt, the threat continues to grow.

The National Missile Defense Act of 1999 will put an end to those doubts. It will tell the world that there is no question of "if," and as soon as it is able, the United States will deploy a system to defend itself against limited ballistic missile attack. I urge all Senators to support this bill.

AMENDMENT NO. 69

(Purpose: To clarify that the deployment funding is subject to the annual authorization and appropriation process)

Mr. COCHRAN. Madam President, to make it crystal clear that this legislation is a statement of policy and not an effort to circumvent legislative and appropriations committees of jurisdiction, I send an amendment to the desk and ask that it be stated.

The bill clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself, Mr. INOUE, Mr. LIEBERMAN, and Mr. WARNER, proposes an amendment numbered 69.

On page 2, line 11, insert before the period at the end the following: "with funding subject to the annual authorization of appropriations and the annual appropriation of funds for National Missile Defense".

Mr. COCHRAN. Madam President, I will state for the RECORD that the co-sponsors of the amendment are Senators WARNER, LIEBERMAN, and INOUE.

Madam President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I share the goal of providing the American people with effective protection against the emerging long-range missile threat from rogue states.

I support developing an operationally effective, cost-effective limited national missile defense, and making an effort to negotiate with Russia, for a reasonable period of time, any appropriate modifications to the Anti-Ballistic Missile Treaty that might be necessary to permit deployment of a limited national missile defense system. That is why, Madam President, I support the Defense Department's National Missile Defense Deployment Readiness Program to develop a limited NMD system to protect the United States against such a developing threat.

But that is not what this bill before us does.

This bill says we are going to deploy a national missile defense system "as soon as technologically possible." No other factors are to be considered. Don't consider if the system is operationally effective.

Those are important words to the military, "operationally effective." But we are not supposed to consider that under this bill.

Don't consider if it is cost-effective. Don't consider whether it ends the elimination of thousands of nuclear weapons in Russia under the START process. Don't consider whether it increases the threat of the proliferation of these terrible weapons to rogue states interested in getting them by any means possible. This bill says to heck with all of these considerations—we are going to deploy a national missile defense system as soon as it is technologically possible, no matter whether it is operationally effective, no matter if it increases the threat of proliferation of nuclear weapons, no matter what it costs.

The fundamental question that we should ask ourselves is whether passing this bill will make us more secure or less secure.

That is truly the fundamental question that all of us must address.

I agree with the President's senior national security advisors that enacting this bill will make us less secure. It puts at risk our decades-long efforts to reduce strategic offensive nuclear

weapons in Russia and increases the likelihood that these weapons will proliferate to rogue states.

CONCERNS OF THE UNIFORMED MILITARY

And where is the support of our uniformed military leaders for this bill, Madam President? The answer is, there isn't any. I have not heard any of our senior military leaders say they support this legislation. Our military leaders tell us that we are not ready yet to make a decision to deploy a national missile defense system. They are worried that if we make a hasty and headlong rush to deployment, we will be less able to deal with other very real—and unfortunately more likely—threats to our security, including the proliferation of weapons of mass destruction and their use by terrorists.

General Shelton, the Chairman of the Joint Chiefs of Staff, testified before the Armed Services Committee in January that the decision to deploy a national missile defense system should be made only after considering a number of critical factors:

There are two aspects of the National Missile Defense [issue] that we have to be concerned with. No. 1 is: is the technology that allows us to deploy one that is an effective system, and within the means of this country money-wise? Second is the threat and whether or not the threat, when measured against all the other threats that we face, justifies the expenditure of that type of money for that particular system at the time when the technology will allow us to field it?

Right now it is not a matter of whether or not we should field one because the technology has not reached the point that we have the capability. It is a 12-year system that we have been trying to do within 3 years. It is a high risk program which has yet to prove that we will be able to make a bullet hit the bullet. Certainly we need to continue to pursue this technology, and DOD has that within their program right now to pursue it. They are also putting money into the program so that at the time that we have the technology, that if in fact the threat justifies it, then we in fact could go ahead with the fielding. If not, then we need to continue with the R&D that will develop a system that could provide missile defense.

Listen to just a few of the factors that General Shelton says that we ought to be concerned with; that is, that the technology, one, is effective. Is it within the means of this country moneywise? Assess the threat. Measure the threat against all the other threats that we face, and then see whether or not that justifies the expenditure of that type of money for that particular system at the time the technology will allow us to field it. And he points out that it is a high-risk program.

Lieutenant General Lester Lyles, the Director of the Ballistic Missile Defense Office, made similar points in January:

We've always stated within the National Missile Defense program that a decision to deploy is based essentially on four basic things. One, whether or not we have a valid threat; two, whether or not we have the right amount of dollars budgeted for deployment; three, whether the issue with the treaty has been addressed; and four, are we tech-

nically ready, is the technology ready in order to make such a decision and to support the deployment.

That is the Director of the Ballistic Missile Defense Office who says four basic things must be considered. This bill considers one. Is it technologically possible? The Director of the Missile Defense Office in charge of this program, who surely is interested in securing this Nation as much as anybody against an attack, says there are four factors that need to be considered.

General Lyles says that these four factors are essential. At least we surely should not limit General Lyles, General Shelton, and the Secretary of Defense to considering the sole criterion of "technologically possible," as this bill does.

The Joint Chiefs have expressed reservations about the commitment now to deploy a national missile defense system; they have raised these concerns in many ways and at many times.

Last September, Army Chief of Staff General Dennis Reimer told the Armed Services Committee: "I think we need to have something that's practical; has a degree of success. I think it also has to be balanced against other priorities."

The question of other priorities—other threats—is a major concern of the Joint Chiefs. In an interview last month, General Shelton pointed out: "There are other serious threats out there in addition to that posed by ballistic missiles. We know, for example, that there are adversaries with chemical and biological weapons that can attack the United States today. They could do it with a briefcase—by infiltrating our territory across our shores or through our airports."

Does the bill we are debating today address any of these concerns raised by our senior military leaders? The answer is, Madam President, it does not. And that is one of the many reasons we do not see our senior military leaders supporting this bill.

If this legislation would advance—even by one day—the development of an operationally effective and cost effective NMD system suitable for deployment, then maybe our military leaders would support it. But this bill doesn't do that.

It doesn't advance by one day the development of an operationally effective, cost-effective national missile defense system.

The bill simply says that we are going to deploy a national missile defense system as soon as it is technologically possible, without regard to operational effectiveness, without regard to cost, without regard to the impact on nuclear weapons reduction in Russia, without regard to proliferation of nuclear weapons that could result. If this legislation said that we should stop any further reductions of nuclear weapons on Russian soil, I do not think many Members of this Senate would support it.

That may not be what the language of this bill says, but that will be the likely outcome of the policy in this bill. And here is why. At the Helsinki summit on March 21, 1997, President Clinton and President Yeltsin issued a joint statement on the ABM Treaty, on the Anti-Ballistic Missile Treaty, which began as follows:

President Clinton and President Yeltsin, expressing their commitment to strengthening strategic stability and international security, emphasizing the importance of further reductions in strategic offensive arms, and recognizing the fundamental significance of the Anti-Ballistic Missile Treaty for these objectives, as well as the necessity for effective theater missile defense systems, consider it their common task to preserve the ABM Treaty, prevent circumvention of it, and enhance its viability.

That is a summit statement. That is not some casual comment to a reporter. That is a joint statement that was issued at the highest level by the two Presidents of the United States and Russia.

Defense Secretary Cohen has made it clear that both pursuing a limited national missile defense program and maintaining the ABM Treaty are in our national interests and can both be accomplished. During his press conference in January, Secretary Cohen stated his view on the Anti-Ballistic Missile Treaty as follows:

I believe it's in our interest to maintain that. I think we need to modify it to allow for a national missile defense program that I've outlined, but the ABM Treaty, I think, is important to maintain the limitations on offensive missiles. To the extent that there is no ABM Treaty, then certainly Russia or other countries would feel free to develop as many offensive weapons as they wanted, which would set in motion a comparable dynamic to offset that with more missiles here.

The bill before us, S. 257, states that we will deploy a national missile defense system as soon as it is technologically possible despite our treaty commitment to Russia and the ABM Treaty and its importance to strategic stability and future nuclear arms reductions in Russia. The bill before us will jeopardize our recently begun effort to reach a negotiated agreement with Russia on possible changes to the ABM Treaty that may be necessary to permit deployment of a limited national missile defense system. We cannot, and we will not, give Russia or any other nation a veto over our national missile defense requirements or programs.

I want to repeat that so it is not misunderstood. We cannot and we should not give any nation, including Russia, a veto over our decision whether or not to deploy a national missile defense. But making a decision now to deploy a national missile defense system before we attempt to negotiate changes to the ABM Treaty, before the military and civilian leadership of the Defense Department say that the Nation can responsibly make such a decision, will likely reduce Russia's willingness to continue reducing nuclear weapons under the START process, likely lead

Russia to retain thousands of nuclear weapons that it would otherwise eliminate, and thereby dramatically increase the threat of nuclear proliferation.

The Committee on Armed Services has previously recognized the importance of a cooperative approach on missile defense and the ABM Treaty. Last year, the committee included a provision in the National Defense Authorization Act for fiscal year 1999 that encouraged the United States to work in a cooperative manner with Russia on issues of missile defense. The conference report for that bill said the following:

The conferees believe that a cooperative approach to ballistic missile defense could lead to a mutually agreeable evolution of the ABM Treaty, i.e., either modification or replacement by a newer understanding or agreement that would clear the way for the United States and Russia to deploy national missile defenses each believes necessary for its security. If implemented in a cooperative manner, the conferees do not believe that such steps would undermine the original intent of the ABM Treaty, which was to maintain strategic stability and permit significant nuclear arms reduction.

That was from the conference report on our 1999 defense authorization bill. And how different it is from the bill before us, when the conferees said that a cooperative approach, cooperative approach to ballistic missile defense, could lead to a mutually agreeable evolution of the ABM Treaty.

None of that is in the bill before us. Instead, S. 257 is inconsistent with this understanding of the importance of a cooperative approach toward the ABM Treaty, to maintaining strategic stability and permitting large reductions in nuclear weapons because it threatens a unilateral breach of the ABM Treaty.

Passing this bill would make it much more difficult for the administration to maintain the continuing benefits of the ABM Treaty and the cooperative approach to nuclear arms reduction under the START process. Russia's Foreign Minister Ivanov recently noted the following:

We believe further cuts in strategic offensive weapons can be done only if there is a clear vision for preserving and observing the ABM Treaty.

There is no such vision or attempted vision, no reference to modification of the ABM Treaty here as being desired, to allow us to cooperatively move toward the deployment of national missile defense, nothing in the bill before us other than the statement, "We're going to deploy this system as soon as technologically possible."

And so by making the deployment decision now, S. 257, the bill before us, would be giving the Russians an ultimatum: We are going to deploy a national missile defense system regardless of the ABM Treaty. That kind of ultimatum will make it more difficult to negotiate possible changes to the ABM Treaty before the scheduled deployment decision in June of 2000.

Some are going to say that we move forward with NATO expansion in the face of Russian opposition. Why not move forward this legislation to commit to deploy a national missile defense system in spite of Russia's objection.

There is a critical difference. When we expanded NATO, we were not taking an action that explicitly violated a bilateral treaty with Russia such as the ABM Treaty. In all likelihood, the unilateral deployment of a national missile defense system that is truly an effective system to defend all 50 States would violate the ABM Treaty. How different from the expansion of NATO. NATO was not a treaty with Russia that we were violating by expanding it.

The ABM Treaty is a treaty with Russia that we would almost certainly be violating with deployment of a 50-State national missile defense.

There is another difference that has to go to the relationship between us and Russia. Russia may be economically extremely weak and militarily weak at the moment, but, nonetheless, Russia is still a power that has huge numbers in military capability and nuclear capability and will someday surely be even more powerful than it is now.

But what did we do before we expanded NATO? All of the NATO members, including the United States, worked with Russia to explain that NATO expansion was not aimed at Russia. Indeed, the alliance entered into the NATO-Russia Founding Act and, as a result of those efforts, Russia has worked constructively with NATO on a number of issues. That is what we are trying to do now with the ABM Treaty. We are trying to negotiate with Russia right now to amend the ABM Treaty, to allow both the United States and Russia to retain this important treaty and the nuclear arms reduction benefits that it has brought us while still moving forward with the development and deployment of a limited missile defense. This bill will make that much more difficult.

The President's National Security Advisor, on February 3, 1999, wrote us that:

If S. 257 were presented to the President in its current form, his senior national security advisors would recommend that the bill be vetoed.

Madam President, I ask unanimous consent that the full text of this letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. LEVIN. I will just read a few other portions of Mr. Berger's letter, where he explains the basis for the position of the President's senior national security advisors recommending that this bill be vetoed if it is passed:

The Administration strongly opposes S. 257 because it suggests that our decision on deployment of this system should be based solely on a determination that the system is

"technologically possible." This unacceptably narrow definition would ignore other critical factors that the Administration believes must be addressed when it considers the deployment question in 2000, including those that must be evaluated by the President as Commander-in-Chief.

We intend to base the deployment decision on an assessment of the technology (based on an initial series of rigorous flight-tests) and the proposed system's operational effectiveness. In addition, the President and his senior advisors will need to confirm whether the rogue state ballistic missile threat to the United States has developed as quickly as we now expect, as well as the cost to deploy.

Then Mr. Berger went on to say the following:

A decision regarding NMD deployment must also be addressed within the context of the ABM Treaty and our objectives for achieving future reductions in strategic offensive arms through START II and III. The ABM Treaty remains a cornerstone of strategic stability and Presidents Clinton and Yeltsin agree that it is of fundamental significance to achieving the elimination of thousands of strategic nuclear arms under these treaties.

Madam President, senior Defense Department officials have stated repeatedly that the Department of Defense is already developing a national missile defense system as fast as is technically possible. Deputy Secretary of Defense John Hamre testified to the Armed Services Committee on October 2, 1998, that the national missile defense program:

... is as close as we can get in the Department of Defense to a Manhattan project. We are pushing this very fast.

And General Joe Ralston, the Vice Chairman of the Joint Chiefs of Staff, testified at the same hearing:

I know of no other program in the Department of Defense that has had as many constraints removed in terms of oversight and reviews just so that we can develop and deploy it as quickly as possible.

As the Department of Defense has made clear on numerous occasions, adding more money will not accelerate the program because we are moving this program, the development program, as quickly as is possible, and there are no resource constraints on that development. In addition, on January 20, Defense Secretary Cohen announced four steps, demonstrating the commitment to develop an operationally effective national missile defense as quickly as possible, achieving the option to deploy, not only as quickly as possible, but also in a way consistent with continuing nuclear arms reductions.

First, Secretary Cohen announced the Defense Department would be budgeting the funds—and they now have \$6.6 billion—in the Future Years Defense Program for possible deployment of a limited national missile defense system. This funding will permit deployment if the decision is made to deploy. This would bring the total national missile defense funding for 1999 through 2005 to \$10.5 billion.

Second, Secretary Cohen affirmed that the administration expects that

the threat of ballistic missiles from rogue nations will continue to grow and will pose a threat to the U.S. territory in the near future.

Third, Secretary Cohen announced that the administration is seeking possible changes to the ABM Treaty with Russia in the event that deployment would require modification.

I was particularly glad to hear that because I had been urging the administration to take this step myself for many, many months. Secretary Cohen also noted that if we cannot agree on changes to the treaty, the United States can exercise its right to withdraw from the treaty under the "supreme national interest" clause of the treaty, if necessary for our national security.

Finally, Secretary Cohen announced that the earliest anticipated deployment date for the national missile defense system was going to be 2005 instead of 2003, because of concerns about the technology of the system and because certain critical tests will not occur until 2003.

Secretary Cohen's announcement clearly demonstrates the administration's commitment to moving forward as quickly as possible with the development of an operationally effective national missile defense program. The Department of Defense policy, unlike the bill before us, permits consideration of a number of relevant factors, including operational effectiveness and cost, and permits us to pursue planned negotiations on possible ABM Treaty modifications before making a deployment decision next year, in the year 2000.

The national missile defense program is a high-risk program. It faces numerous technical challenges. The integration of all the component parts into a system that can demonstrate its capability is still years away. The first integrated system test using a production interceptor is not scheduled to take place until the year 2003. Prior to that time, tests will rely on surrogate components for some of the most critical pieces of hardware. But S. 257 will make the deployment commitment now, prior to any demonstration of the capability of the system, prior to any ability to evaluate whether it is operationally effective—key word "operationally"—and able to meet its system requirements. As the Defense Department and Joint Chiefs of Staff have pointed out, if we were to commit to deployment of an NMD system "as soon as technologically possible," we might be committing ourselves to building a system that is not as effective as we would need or desire to counter the evolving threat.

In 1997, General John Shalikashvili, then-Chairman of the Joint Chiefs of Staff, testified to the committee that the earliest possible system may not provide the necessary capability:

If a decision is made to deploy an NMD system in the near term, then the system fielded would provide a very limited capabil-

ity. If deploying a system in the near term can be avoided, DOD can continue to enhance the technology base and the commensurate capability of the NMD program system.

That is why General Shalikashvili stated at the same time that the National Missile Defense Readiness Program of the administration is the program that "optimizes the potential for an effective national missile defense system."

The normal Department of Defense acquisition process for major weapons systems requires a rigorous review of numerous technical performance and cost considerations at each major decision point in the development or acquisition process. The Department of Defense has mandatory procedures for major defense acquisition programs that provide that "threat projections, system performance, unit production cost estimates, life cycle costs, cost performance tradeoffs, acquisition strategy, affordability constraints and risk management shall be major considerations at each milestone decision point."

S. 257 would make a deployment decision now while ignoring all of those critical requirements that have been applied, I think, with one exception where we paid a huge price, to the acquisition of every major system.

Secretary Cohen's announcement that the actual deployment date is expected no sooner than 2005 is designed to reduce the risk of failure, but in mandating deployment "as soon as technologically possible," the bill before us could undermine the Department's efforts to ensure that the national missile defense system is operationally effective, emphasis on the "operationally."

For example, it may be "technologically possible," with a 1 in 20 success rate for a specific system to hit an incoming missile under certain circumstances, but do we really want to make a deployment commitment now to a national missile defense system under those conditions?

The Joint Chiefs of Staff and our warfighting commanders certainly do not want a system that is not operationally effective. Gen. Howell Estes, the then-Commander in Chief of the North American Aerospace Defense Command, testified before the Armed Services Committee in March of 1997 that, from his perspective, "it is vitally important that any ballistic missile defense system we ultimately deploy must be effective."

The bill before us also ignores the issue of cost-effectiveness. If a system does not provide us with a capability at a cost that can be justified in light of other high priority national security requirements, then, it seems to me, we are missing an opportunity, indeed, a requirement, that a logical factor be considered as part of the decision process, because what happens then is that we will be saying, regardless of the cost, it makes no difference whether

this is cost-effective or not, in light of whatever its capability is, regardless of whether it is operationally effective, if it is technologically possible, to heck with the cost, to heck with the operational effectiveness, and to heck with the impact on nuclear arms reductions.

This cost-effectiveness issue is one of the four crucial factors that Secretary Cohen and National Security Advisor Berger have said that the administration will take into account in its deployment decision review in June of next year. We should not disregard cost-effectiveness completely, as this bill does.

Madam President, Secretary Cohen has testified that the administration will make the decision in June of 2000 on whether to deploy a limited national missile defense system, after taking into account the threat, the operational effectiveness of the national missile defense system, the cost-effectiveness of the system, and the impact of deployment on nuclear arms reductions and arms control. This bill ignores these factors and reduces the issue to one—what is technologically possible and, when that is shown, then we are going to deploy regardless of what those other factors indicate.

The bill would undermine the current effort of the administration to reach a negotiated agreement on any changes to the Anti-Ballistic Missile Treaty that may be necessary to permit deployment of a limited national missile defense system. Again, the summit statement of the two Presidents, Presidents Clinton and Yeltsin, in March of 1997, underscores the continuing importance of this treaty between us and the Russians for strategic stability and for further reductions in strategic offensive nuclear weapons. It pledges both parties to "consider it their common task to preserve the ABM Treaty, prevent circumvention of it, and enhance its viability." This bill would throw that pledge into the wastepaper basket.

As Secretary Cohen has made clear, we will not negotiate any needed changes to the ABM Treaty forever. There may come a time when we determine that we must withdraw from the treaty under the supreme national interest clause. That would be a very serious step, but it is not one that we need to take now or should take now before we have a system developed, before we have tried to modify the ABM Treaty to allow both the United States and Russia to move toward defenses against limited ballistic missile threats.

Making a decision to deploy an NMD system before we even attempt to negotiate changes to the ABM Treaty and before the Department of Defense says that the Nation can responsibly make such a decision will almost surely reduce Russia's willingness to cooperate with us on reducing nuclear weapons on her soil under the START process, and likely will lead Russia to retain thousands of nuclear warheads it would otherwise eliminate, and would, there-

by, dramatically increase the threat of nuclear proliferation. The most likely threat that we face isn't an intercontinental ballistic missile strike with a return address guaranteeing our massive destruction of the sender. The most likely threat is a terrorist using weapons of mass destruction.

This bill increases that threat by significantly increasing the odds that Russia will end the reduction of nuclear weapons, which the treaty that this bill would violate has led to, and for no good reason, because this bill would not accelerate the national missile defense development by a single day. It increases the proliferation risk from thousands of nuclear weapons that would otherwise be eliminated through the START process for no tangible benefit to this program.

This bill reduces our security by increasing the threat of proliferation of nuclear weapons to rogue states, and that is one of the many reasons why this bill has no support among our military leaders.

Next week, the Prime Minister of Russia is coming to Washington for an important series of meetings. Senate adoption of this bill effectively says we are going to deploy a national missile defense system in violation of an important treaty that we have with Russia. The message that we are sending to Russia with this bill is we do not care about our treaty commitment. We do not care about cooperation on nuclear weapons reduction. I just wonder how the U.S. Senate would react if, on the eve of an American President's visit to Moscow, the Russian Duma passed legislation that undermined one of the basic foundations of U.S.-Russian relations. You can bet it would cause one heck of an uproar here, and I think Congress would be leading the chorus.

Those of us who say that this bill will contribute to our national security have to answer the question: why don't our senior military and senior civilian defense and security leaders in this administration support the bill? Where are the senior military leaders supporting this bill? Why don't General Shelton and the Joint Chiefs of Staff support this bill? Why doesn't General Lyles, the Director of the Ballistic Missile Defense Office, support this bill? Why doesn't the Secretary of Defense Bill Cohen, who is a proponent of national missile defense now and when he served in the Senate, support this bill? They don't support this bill because they know it will not contribute to our national security.

Secretary Cohen's national missile defense plan has the strong support of General Shelton, has the support of the Joint Chiefs of Staff. We should stick with it and vote against this bill.

I thank the Chair, and I yield the floor.

EXHIBIT 1

THE WHITE HOUSE,
Washington, February 3, 1999.

Hon. CARL LEVIN,
Ranking Minority Member, Committee on Armed
Services, U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: I understand the Senate Armed Services Committee will consider tomorrow S. 257—The National Missile Defense Act of 1999.

I want to underscore that the Administration shares with Congress a commitment to ensuring the American people are provided effective protection against the emerging long-range missile threat from rogue states. That is why we have since 1996 diligently pursued a deployment readiness program to develop a limited National Missile Defense (NMD) system designed to protect against such threats. We have now budgeted \$10.5 billion between FY 1999-2005 for this program, including the funds that would be necessary during this period to deploy a limited NMD system.

Secretary Cohen has recently made clear that the Administration will address the deployment decision in June 2000. The Administration strongly opposes S. 257 because it suggests that our decision on deploying this system should be based *solely* on a determination that the system is "technologically possible." This unacceptably narrow definition would ignore other critical factors that the Administration believes must be addressed when it considers the deployment question in 2000, including those that must be evaluated by the President as Commander-in-Chief.

We intend to base the deployment decision on an assessment of the technology (based on an initial series of rigorous flight-tests) and the proposed system's operational effectiveness. In addition, the President and his senior advisors will need to confirm whether the rogue states ballistic missile threat to the United States has developed as quickly as we now expect, as well as the cost to deploy.

A decision regarding NMD deployment must also be addressed within the context of the ABM Treaty and our objectives for achieving future reductions in strategic offensive arms through START II and III. The ABM Treaty remains a cornerstone of strategic stability, and Presidents Clinton and Yeltsin agree that it is of fundamental significance to achieving the elimination of thousands of strategic nuclear arms under these treaties.

The Administration has made clear to Russia that deployment of a limited NMD that required amendments to the ABM Treaty would not be incompatible with the underlying purpose of the ABM Treaty, i.e., to maintain strategic stability and enable further reductions in strategic nuclear arms. The ABM Treaty has been amended before, and we see no reason why we should not be able to modify it again to permit deployment of an NMD effective against rogue nation missile threats.

We could not and would not give Russia or any other nation a veto over our NMD requirements. It is important to recognize that our sovereign rights are fully protected by the supreme national interests clause that is an integral part of this Treaty. But neither should we issue ultimatums. We are prepared to negotiate any necessary amendments in good faith.

S. 257 suggests that neither the ABM Treaty nor our objectives for START II and START III are factors in an NMD deployment decision. This would clearly be interpreted by Russia as evidence that we are not interested in working towards a cooperative solution, one that is in both our nations' security interests. I cannot think of a worse

way to begin a negotiation on the ABM Treaty, nor one that would put at greater risk the hard-won bipartisan gains of START. Our goal would be to achieve success in negotiations on the ABM Treaty while also securing the strategic arms reductions available through START. That means we need to recognize the address the interrelationship between these two tracks.

The Administration hopes the Senate will work to modify S. 257 to reflect the priority that we believe must be attached to the ABM and START objectives I have outlined above. But if S. 257 were presented to the President in its current form, his senior national security advisors would recommend that the bill be vetoed.

Sincerely,

SAMUEL R. BERGER,
*Assistant to the President
for National Security Affairs.*

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LEVIN. Will the Senator yield?

Mr. COCHRAN. I am happy to yield to my friend.

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Madam President, I ask unanimous consent that the privilege of the floor be granted to David Auerswald of Senator BIDEN's staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

Mr. COCHRAN. Madam President, I, likewise, ask unanimous consent for the Senator from Michigan, Mr. ABRAHAM, that Bill Adkins, a legislative fellow on his staff, be granted the privilege of the floor during the Senate's consideration of S. 257.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Madam President, it is interesting to hear the comments of my good friend from Michigan. It reminds me, though, of someone who has heard what this bill is about but really hasn't read the fine print yet. That is one reason why when the bill was reported I was hopeful that we could start off by reading the bill. It is very short. Unlike the legislation that was debated last year in the Senate, this bill has really a very small operative section. It is so small and clear and concise that I could almost recite it. I am sure I would leave out something. But the operative words are that it will be the policy upon the passage of this legislation for the United States to deploy a missile defense system—an effective missile defense system—that would be capable of defending the United States against limited ballistic missile attack as soon as technologically possible, and that that attack would include missiles that were launched either intentionally, accidentally or unauthorized. That is the bill that we are debating here.

The suggestion that we are insisting on the passage of this bill that the administration immediately deploy a system that may not be workable, that may not be operationally effective, ignores the clear wording of the legislation. It describes the missile defense system that we are directing be de-

ployed as an effective ballistic missile system. So that is taken care of.

The amendment that has been submitted, which I hope will be adopted by the Senate on a voice vote—it certainly is not controversial or it should not be controversial—says that the deployment would be subject to the authorization of appropriations and the appropriation of funds by the committees of jurisdiction of the Congress.

Like any other defense system or new acquisition of weapons system by the Department of Defense, the deployment of a national missile defense system will be subject to the review of the committees with jurisdiction over that subject in the Congress, and bills to authorize the deployment and to fund the deployment will have to be passed and they will have to be signed by the President.

The suggestion that the passage of this bill is the final step in the process misses the point completely. It is the first step in the process. We are trying to correct an outdated, outmoded, irrelevant policy of wait and see—wait and see if a threat to the security interests of the United States develops from ballistic missiles.

We have waited, and we have seen. We have seen the testing of a multi-stage rocket by North Korea which they said was launched for the purpose of putting a satellite in orbit. Our analysts have been reported as saying that missile system used a solid fuel in its last stage. It would be capable of striking the territory of Hawaii and Alaska, and the last time I checked, they were part of the United States.

At the present time, we have no defense against such a ballistic missile attack from a rocket like that or from a missile. The design or possible uses are virtually the same.

We are also puzzled over the fact that the Senator seems to suggest in his statement that our relationship with Russia is going to be put at risk if we adopt this bill, the first step in a process to correct an outdated policy. This is our policy. This is our policy to defend the security interests of the United States and American citizens who might be at risk from a ballistic missile attack and weapons of mass destruction that could be delivered by long-range, speedier missiles.

We have known for some time that our administration has been trying to negotiate a so-called demarcation agreement with Russia, distinguishing between theater missile defense capability and other kinds of missile defense capabilities. It has been an excruciating process to watch, and we basically have watched in the Congress as the administration has reached agreements or suggestions of agreements reduced to memoranda of understanding, not submitted to the Senate for ratification as amendments to the ABM Treaty, but changes, nonetheless, in the definition of what is permissible and possible for us to do as a matter of our own national security interests

with respect to theater defensive missiles. It limits the speed at which our interceptors can be tested against targets.

The point of this is, this administration has gone to great lengths to try to manage the relationship with Russia so as not to ruffle any feathers, not to upset Russia. Ask Mr. Primakov when he comes to the United States why hasn't his government, his government parliamentarians, ratified START II.

This is an effort to reach an agreement and an arrangement with Russia to reduce and limit strategic arms, missiles systems and nuclear weapons capabilities. We ratified that agreement 3 years ago in the Senate. Russia has not kept its part of the bargain by ratifying that agreement.

My point in saying this is that the relationship between the Russians and the United States is of great importance to us, to me, to this Senate. We cannot ignore the fact that Russia remains heavily armed with nuclear weapons and missile capabilities like no other country in the world, other than the United States. We do have concerns about that relationship. We should take care to try to reach understandings with the Russians on these matters, and I think we will continue to work closely with our administration officials as they negotiate, discuss and try to reach understandings about what are our intentions.

We are not trying to upset the strategic balance between the United States and Russia on missile capability or nuclear weapons or the like. We are trying to change a policy about our relationship with other States that are developing weapons that are capable of threatening our security where we do not have a history of much success.

North Korea is an example. There are other nation states that are now engaged in developing missile capabilities where their missiles can go much farther and much faster than they have in the past, and we have to take that into account. We would be derelict in our duty if we did not.

We think this administration is behind the curve on the policy decisions with respect to ballistic missile defense, and it is putting the security interests of the United States at risk. That is what we are trying to correct.

We are not trying to answer every question that can be raised or every issue involved in ballistic missile defense in this one bill. It just cannot be done. But that is the test that my good friend is trying to measure this bill against. Does it answer every question? Does it answer the question of whether or not a system will be adequately tested? No. But before the Congress will authorize the deployment of a system, it is bound to insist that there be some indication that it is workable, that it is effective. That is why we use the phrase "effective ballistic missile defense system" in this bill. We also want to make sure it is "technologically feasible or possible" for us to

field a system. And that is why we use that phrase in this bill.

What we are hoping to accomplish is to make this administration recognize that there is a legitimate concern. The threat exists today to the security interests because of developments we have seen over the last several years. Senators will remember that our subcommittee had 2 years of hearings analyzing the problems of proliferation of missile technology, other technologies, computer technology, the proliferation of weapons of mass destruction, the easy access that some countries have to information here in the United States, over the Internet, at universities, at laboratories—we have heard a lot about that recently—at laboratories here in the United States. You can get information from those sources, and you can use them then if you are a country that needs to upgrade its missile capability or nuclear weapons capability. There are suggestions that that has been happening. Are we to just close our eyes to that? Are we to ignore that and say, "Well, let's wait and see what happens"?

We have been waiting, and we have seen what has happened in North Korea, in Iran, in China, in other countries as well. All of these facts now convince us, the authors and the sponsors of this legislation, that it is time to change our policy. That is what the passage of this bill will do. It will put an end to the outdated wait-and-see policy of the Clinton administration on this issue, and it will say that as a matter of national policy we will deploy an effective ballistic missile defense system as soon as technologically possible to defend our country against limited ballistic missile attack—whether unintentional, unauthorized, or deliberate.

I suggest we keep in mind that we dedicated that proliferation report from our 2 years of hearings to the 28 U.S. servicemen who were killed in the gulf war with a Scud missile. That was several years ago. We have 8 years of experience to build on from that event. But that got the attention of the American people and the families of those soldiers who were killed that the United States is vulnerable and its service men and women and its citizens and its embassies all around the world are very vulnerable to missile attack and other attacks by weapons of mass destruction.

This bill does not solve all those problems but it states as a matter of national policy that we are not going to sit back and wait and see any longer. We are going to move, and as quickly as technologically possible, we are going to deploy a national missile defense system.

I am convinced that that is the right policy. We are not going to disregard our obligations to work toward improving relationships with Russia or China or other countries. That is a part of our responsibility, too. But neither are we going to sacrifice the security of our

citizens to those relationships. We are, first of all, going to protect the security interests of this country. That is the highest priority we have as Members of this body.

We have every reason to believe that there are clear and present dangers to the security of American citizens and our country. This is a step, a first step, toward changing that policy and doing what has to be done to fully protect our security interests.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The Senator from Michigan.

Mr. LEVIN. Mr. President, just a couple of additional brief points. First, there is one thing we do agree on, I hope unanimously, in this body, which is that our highest priority is to defend the security interests of the United States. I do not know of anybody in this body who would disagree with that premise. The question is, Is our security advanced or is it harmed by making a statement that we are going to deploy a system that violates a treaty with Russia, without first trying to at least negotiate a modification in that treaty so that we can do so jointly without a unilateral breach?

The stakes here are huge. We should make no mistake about it. The stakes are that Russia has been reducing the number of nuclear weapons on its soil. Indeed, we have been helping to dismantle those weapons so that we are safer. And what they have told us is that the reason they have done that is because they have a treaty with us which has permitted them to do that called the ABM Treaty, and that without that treaty in place—indeed, without that treaty enhanced—those reductions are going to end.

We want fewer nuclear weapons on Russian soil. The fewer weapons they have on their soil, the more secure we are. We have a treaty which has permitted a significant reduction of those weapons on Russian soil, and other states in the former Soviet Union. The fewer weapons they have, the less the chance of proliferation.

I think most of us would agree that the greatest threat that we face—security threat that we face—is the proliferation of weapons of mass destruction. And the leakage of even one of those weapons from Russian soil to a rogue state or a terrorist organization would create a greater threat to the security of this Nation than any Soviet threat we face, because a rogue nation could use it against us, where the Soviets would have been committing suicide and would have cared about committing suicide if they started an attack.

The proliferation threat against us is real. We keep talking about it in this body. We keep saying the greatest emerging threat is the proliferation of weapons of mass destruction. Before we take any step which would lead Russia to stop reducing the number of nuclear weapons on its soil, surely we ought to

sit down and negotiate with Russia to see if we cannot do two things: One, accomplish a national missile defense here, assuming we can come up with one which is operationally effective; and, two, keep those reductions of nuclear weapons flowing. Those goals are not incompatible. We are seeking both of them right now. We are negotiating with the Russians in terms of a modification of the ABM Treaty, and we are developing national missile defense as quickly as is possible to develop.

There is no wait-and-see approach that has been going on here. The uniformed military have told us this is a high-risk development program. We are trying to do in a few years what usually takes us over 10 to develop. So we are engaged as quickly as we can in what Deputy Secretary Hamre called the closest thing to a Manhattan project as exists in the Defense Department. We are trying to develop a national missile defense.

I think most if not all Members of this body are in favor of that development.

The issue here in this bill is whether we commit to deploy that system before it is developed, before it is shown to be operationally effective, with no consideration to cost and without considering the need to try, if possible, to negotiate a modification in a treaty with the Russians which has allowed us and them to significantly reduce the number of nuclear weapons on their soil.

We can accomplish all those things, hopefully, but not if we perceive to tell the Russians, in advance of these negotiations being completed or at least proceeding, that we are pulling out of this treaty in order to deploy a system. There is not the slightest awareness in this resolution of the desirability of modifying the ABM Treaty with Russia so that we can continue to see reductions in nuclear weapons on their soil.

For heaven's sake, aren't we more secure if they have fewer nuclear weapons on their soil and if the ones that are being reduced are dismantled, "defanged," so they no longer threaten us? Shouldn't we ask ourselves, Why is it the senior military leadership of this country does not support this bill, people who spend their lives and have dedicated their lives to the security of this Nation—our top military officials—do not support this bill. Shouldn't we ask ourselves why?

There is no use invoking the question of Scud missiles. The defense against Scud missiles does not violate a treaty between us and Russia. The Patriot antimissile system, which we continue to support I think unanimously in this body and continue to seek to improve it, is a defense against theater ballistic missiles, the missiles such as the Scud missile. There is no issue about that. I think everybody in this body has for decades supported a theater missile defense system. That is not a violation of the ABM Treaty. A limited national missile defense system probably will violate that treaty.

Before we commit to do as this bill does, we should seek to modify a treaty between us and Russia so that we can do two things at once: Deploy a system, assuming we can get one that is operationally effective against the rogue states, at the same time that we continue to obtain and achieve the reduction of nuclear missiles on Russian soil. Those goals are compatible, they are both desirable, they are both achievable. At least we hope they are both achievable. Surely we ought to explore whether they are both achievable without committing ourselves to a course of action which tells the Russians, on the eve of the visit of Prime Minister Primakov we are going to do something, like it or not, whether it violates a treaty between us or not. I must again ask this question: If the Russian Duma had taken an action 1 week before our President went to Moscow, which tore at the basic fundamental security relationship between us and Russia, what would our reaction be in this Senate?

What troubles me the most is it is so needless. We are not advancing by 1 day the development of a national missile defense system in this bill; not by a day. I think everybody in this body wants to develop a national missile defense system as quickly as can be done. The money is in the budget to do so and has been there. The Congress has added some hundreds of millions dollars, by the way, over the years for broad support in order to make sure we do develop a national missile defense as quickly as we possibly can. The President's budget has the money in there to deploy such a system—assuming we can develop it. We are not advancing by 1 day the development of a national missile defense with this bill.

What we are doing is jeopardizing the reductions of nuclear weapons on Russian soil for no gain in terms of the development of national missile defense. That commitment to deploy, which this bill represents, gains us nothing in terms of developing more speedily the system which we all want to be developed, but jeopardizes the reduction of nuclear weapons on Russian soil which is so important to the security of this Nation.

My good friend from Mississippi surely speaks for all of us when he says that is our top priority as a Senate. I couldn't agree with the Senator more. There are very strong differences, however, as to whether or not that priority is achieved with this bill, which ignores one-half of a very important issue, which is the relationship between the deployment of a national missile defense and the reduction of nuclear weapons on Russian soil and the proliferation problem that is increased when we act in a way that reduces the prospects of those continuing reductions.

I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, the National Missile Defense Act of 1999, in addition to being sort of a jawbreaker of a title, is exceedingly significant legislation which takes the first step toward protecting the American people from the growing threat of attack from ballistic missiles carrying nuclear, chemical, or biological warheads.

Now, I am gladly a cosponsor because this establishes the unmistakable policy of the U.S. Government emphasizing the need to defend the American people from missile attack. This policy is clear, it is unequivocal.

However, it is only the first step. Ultimately, the President must agree or be compelled to agree by an overwhelming congressional override of his veto to begin immediately the building and deploying of a national missile defense.

The construction of a meaningful defense will take time, obviously—time that, given North Korea's recent missile test—we may not have. I am among those who have become increasingly frustrated as the Clinton administration has squandered month after month, year after year, dithering and delaying, and otherwise reacting in ostrich-like fashion to the fast-approaching threat of missile attack by a rogue regime.

I have long regarded as beyond belief that the Clinton administration still refuses to commit to the immediate deployment of a national missile defense. I wonder, given the fact that North Korea now has a three-stage intercontinental ballistic missile capable of dropping anthrax on U.S. cities in Alaska and perhaps Hawaii, how much indifference could so dictate such a perilous do-nothing attitude by the President and his advisors. Nero fiddled as Rome burned—and the crowd in charge on Pennsylvania Avenue may wake up one morning and realize that they have been playing with the safety of the American people and playing fast and loose.

I trust I am very clear on this point: it is an absolute, irrefutable fact that a hostile tyrant today possesses missiles capable of exterminating American cities.

Mr. President, North Korea is not our only concern. The Islamic fundamentalists in Iran continue their crash missile program. The Rumsfeld Commission has warned that Iran has everything it needs to put together an ICBM within a few years. And because the Clinton administration has fooled around in its do-nothing mode for so long, Iran may very well be able to deploy an ICBM before America has a missile defense to counter it, even if the United States breaks ground on construction tomorrow morning.

Perhaps most troubling, however, is Communist China's nuclear missile program. China fields dozens of submarine-launched ballistic missiles, hundreds of warheads on heavy bombers, roughly 24 medium and long-range

ballistic missiles, and has several crash modernization initiatives in progress this very moment.

Further, Red China has begun deploying several new types of ballistic missiles. And most troubling, it is now clear that China has stolen America's most sensitive nuclear secret—technical data for the W-88 warhead. Theft of that warhead design, coupled with the multiple-satellite dispenser that China developed working with United States satellite companies, will enable the PRC to deploy MIRVed weapons far sooner than expected.

In other words, China is on the verge of tripling or quadrupling, the number of warheads pointed at our cities, and this, Mr. President, is the same country that flexed its military might by firing missiles in the Strait of Taiwan in an effort to intimidate a longstanding and peaceful ally of the United States. The People's Republic of China—that is to say, Communist China—also is the same nation that engaged in a bit of nuclear blackmail by threatening a missile strike against Los Angeles.

Obviously, Mr. President, with these hostile threats emerging, it would be assumed that the United States would already have deployed a system to protect the American people against this danger; and it would be assumed that the Clinton administration surely is working, in cooperation with a bipartisan majority in Congress, to make certain that the United States will never be exposed to a missile attack by a terrorist regime.

Well, such assumptions have been woefully wrong. The do-nothing Clinton administration has aggressively blocked every effort by Congress to implement a national missile defense system to protect the American people. More than 3 years have already been lost in deploying a missile defense system because of the President's veto, in December, 1995, of critical legislation designed to protect the American people. The President's people, in fact, are out there right now lobbying against the pending business of the Senate today, the National Missile Defense Act of 1999, of which I am a cosponsor.

Indeed, China, North Korea, and Iran can today hold the American people hostage to missile attack because of the do-nothing attitude of the President of the United States who, here in Washington, has consistently refused to build, or even consider building, the strategic missile defenses necessary to protect the American people from such an attack.

For years, liberals have tut-tutted that no long-range missile threat existed to necessitate a missile defense. But now, in the wake of the Rumsfeld Commission's report and North Korea's missile launch, even the most zealous arms control advocates have been forced to admit that their critical lapse of judgment and foresight has put our nation at heightened risk.

Though these people now admit the existence of a serious threat, just the

same, they cannot bring themselves to agree to the deployment of a shield against missile attack. Why, Mr. President?

I'll tell you why. It is because of an incredible and dumb devotion to an antiquated arms control theory. Critics of the National Missile Defense Act of 1999 claim that Henny Penny's sky will fall because even the most limited effort to defend the American people will scuttle strategic nuclear reductions. One Senator, for example, declared in a recent press release that, if S. 257 is passed, "Russia would likely retain thousands of nuclear warheads it would otherwise eliminate under existing and planned arms reduction treaties."

Mr. President, if this is the last, best argument that can be mustered against deploying a national missile defense, opponents of the pending National Missile Defense Act of 1999 had better go back to the drawing board in search of logic. While they are at it, they should ponder the fact that Russia has been threatening to block ratification of START II since almost the day it was signed. For more than 6 years, the United States has been waiting for the Russian Government to put this treaty into force; in the meantime the American people have been subjected to a barrage of Russian threats and demands for concessions on a bewildering array of issues, largely unrelated to the treaty.

For the benefit of Senators, and the American people, I ask unanimous consent that a document, cataloging just a few of these Russian demands regarding START II, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AN EVER-GROWING NUMBER OF RUSSIAN EXCUSES FOR NOT RATIFYING START II

The United States and Russia signed the START II Treaty on January 3, 1993. The Senate provided its advice and consent to ratification on January 26, 1996. Since then, Russia has used START II ratification as a pretext to hold hostage an ever-changing number of issues. As the Chairman of the Duma's International Affairs Committee said on March 14, 1998, the Duma contains people "who are ready to use any pretext in order to delay consideration of this issue."

Threat Number 1: No START II unless the U.S. gives in to Russian demands on the CFE Treaty.

In 1994, Defense Minister Grachev declared that CFE treaty-limits on Russia's conventional armed forces were unacceptable and demanded their revision. No action on START II would be possible, according to Grachev, until this issue was resolved. So what did the Clinton Administration do? The U.S. dutifully changed the treaty to meet the Russian demands. We are, by the way, now changing it yet again to meet more Russian demands.

Threat Number 2: No START II unless the U.S. ratifies the treaty first.

In 1995, the Russian foreign minister, Mr. Primakov—now the Prime Minister—demanded that the U.S. must first ratify START II as a sign of good faith. We did that in January, 1996, and we are still waiting.

Threat Number 3: No START II if the U.S. does not pay for Russian implementation of START I.

Then the Russians complained that they could not afford to meet their obligations under the START I agreement and threatened not to move on START II unless the U.S. taxpayer paid to dismantle all of Russia's obsolete missiles (to make room for the deployment of far more modern systems). So what did the Clinton Administration do? It has shelled out billions of dollars in Cooperative Threat Reduction funding to meet this demand.

Threat Number 4: No START II unless the U.S. makes concessions on the ABM Treaty.

As negotiations to clarify the ABM Treaty's demarcation line between strategic and theater missile defenses dragged on, the Russians insisted that this issue had to be resolved before they could ratify START II. The United States agreed to a series of concessions that resulted in a demarcation agreement which did not clarify the distinction between theater and strategic defenses but which did impose new restrictions on theater missile defense systems.

Threat Number 5: No START II unless the U.S. makes more foreign aid concessions.

In 1996 the Chairman of the Duma's Defense Committee, Sergei Yushkov, tied START II ratification not just to the ABM Treaty, but to "the provision of adequate funds for the maintenance of Russia's strategic nuclear arsenal."

Threat Number 6: No START II unless the U.S. makes other concessions.

In September, 1997, Ultranationalist Vladimir Zhirinovskiy, who controls a sizeable bloc of Duma votes, declared that START II should not be ratified until "a favorable moment" and that Russia should hold out for more U.S. concessions. According to Zhirinovskiy, "We have created a powerful missile complex, and we must use it to get certain advantages."

Threat Number 7: No START II if the U.S. strikes against Saddam Hussein.

In connection with the U.S. military build-up in the Persian Gulf, the Deputy Speaker of the Duma declared that START II would never be approved if the United States were to use force against Iraq.

Threat Number 8: No START II unless the U.S. agrees to allow continued Russian violation of the START Treaty.

Most recently, U.S. arms control negotiators were told that their refusal to shelve U.S. concerns over repeated Russian violations of the START Treaty would jeopardize START II ratification.

Bottom line: The Russian threat over deployment of a U.S. missile defense is just one in a long, tired litany of ever-changing excuses for not ratifying START II.

Mr. HELMS. The bottom line, Mr. President, is that it is *prima facie* ridiculous to still insist that the United States must forgo defending itself against missile attack in order to ensure that Russia ratifies START II. The United States has already paid a dozen ransom notes to Russia in an effort to secure START II's ratification—to no avail. This latest price demanded by Russia is simply too high.

Now, I believe that START II may still be in the United States' national security interests, but it is not of such overriding interest that we must forgo the defense of the American people in order to salvage START II. What will happen if START II is not ratified? Strategic forces are expensive to maintain, as both the United States and Russia have rediscovered. That is why the Clinton administration is seeking permission to fall below START I lev-

els regardless of whether the Russians honor their START II obligations—because it wants the money that would be spent on strategic nuclear forces to be used for other, neglected requirements like readiness.

And what of Russia, Mr. President? The truth is that Russia's strategic force levels are going to plummet far past the levels mandated by START II regardless of whether there is any agreement in force. The strategic missiles Russia (then the Soviet Union) deployed in the 1980s are reaching the end of their useful life, and cannot be replaced. Russia has neither the money nor a reason, to replace them.

In fact, last year the Russian Minister of Defense told Russia's Security Council that even the new SS-27 Topol ICBM currently being deployed, Russia will be unable to field more than 1,500 warheads by the year 2010, which, at the rate things are going, might be about the time the Duma finally gets around to ratifying START II.

The truth is that arms control agreements are not controlling force levels. Fiscal and strategic realities are. Why is Russia allowing its forces to fall to historically low levels? I will tell you. For the same reason as is the United States. We no longer live in a cold war world in which huge nuclear arsenals are our top spending priority. The notion that limited ballistic missile defenses will somehow set off a new arms race—or forestall further reductions—is absurd.

Mr. President, the truth of the matter is that the arguments about START II are really a cover for those who continue to worship the arms control doctrine of mutually-assured destruction. No amount of policy sophistry or arms control rhetoric by the Clinton administration can alter the fact that the United States is vulnerable to nuclear-tipped missiles fielded by China, or any one else. Rectifying this dangerous deficiency requires leadership and action. It is an all the more pressing issue because the current course charted by the administration fails to recognize the inherent danger in China's pursuit of an advanced nuclear arsenal, based—as we have learned in recent days—around the W-88 warhead.

Mr. President, any further delay in the development by the United States of a flexible, cost-effective national missile defense is unconscionable. I am honored to cosponsor the National Missile Defense Act of 1999 and I urge Senators to support this legislation to make certain that the United States Government will finally adopt a policy to protect the American people from attack by ballistic missiles.

Mr. President, I yield the floor. I thank the Chair.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I rise today to support S. 257, the National Missile Defense Act

of 1999, and, in doing so, I rise to support development and deployment of a limited national missile defense.

Colleagues have said that this debate has begun today, and I am sure each Member of the Senate believes, because we have no greater responsibility under the Constitution than to provide for the common defense of our Nation. That is one of the fundamental reasons people form governments, to provide for their common defense. It is a duty we must fulfill with intellectual honesty and with thoughtful attention to the world in which we reside.

Let us look honestly at the world today. The cold war is over, thankfully. Democracy triumphed over communism. The bipolar strategic tension of the world—two armed camps living in a strange balance of terror where each threatened to destroy the other if the first acted—is over, thankfully over. And in that sense we enjoy today the benefits of that victory. Everybody around the globe—people here in the United States, those in Russia, and certainly those who lived under the tyranny of the Soviet Union, three peoples of which so proudly and joyously joined NATO just this past weekend. Though the existential threats we faced are not there, the threats to our very existence are not there, as the operating tempo of our military makes clear, we face a remarkable series of threats to our security around the world. And we face something like threats we have faced before, but with an intensity and a breadth that are unparalleled; and that is the potential of threats to our homeland, to the United States of America, shielded as we have been by geography, by two oceans. Although we have worried in the past and we have been at war and conflict about threats to our homeland, we have never faced them, I fear, to the same extent we will in the years ahead. And this is a reflection not only of the dispersion of power, the breakup of the two armed camps that dominated and defined the cold war, it is a reflection of what history tells us, which is that whenever there are developments in the nonmilitary world, in the industrial, or, in our time, the technological world, they work their way into the military.

Today, even as nationalism rears its head with a new intensity in places like the Balkans, national boundaries in the conventional sense are seamless and less dominant. We communicate with each other through television and now, dramatically, in two-way communication over the Internet, jumping over traditional national boundaries. We have a growing number of assets, defense and civilian related, which exist in space that affect our lives, civilian and military, in very, very fundamental ways. We have increasing capacity through technology to deliver weapons of mass destruction against other peoples and to fear and face the potential of their delivery against us.

So it is not surprising that, within the community of those who worry

about our national security, and particularly, of course, within the Department of Defense, there is new concern, new thinking, talk of new organization, to deal with homeland defense, the defense of the United States of America; that the very technology that has enabled us to reach across national boundaries, to have international commerce at enormous volume and worth with remarkable speed, also begins to subject us in our homes, businesses, neighborhoods, communities, and States to attack.

I don't mean to suggest a panic, but, to be intellectually honest and thoughtful about it, the fact is that we have in our time already seen ourselves subject to terrorist attack here in our homeland, some of which has been inspired from outside, that we know we face a risk of attack to our information systems, which dominate and on which we depend for so much in the lives that we lead so well today.

Another element of that new vulnerability that our homeland faces is from missile attack. We faced it during the cold war when the Soviet Union and the United States were two armed camps with intercontinental ballistic missiles aimed at each other, in which we reached a kind of bizarre agreement, "rationality" in the midst of irrationality, that neither would push the button for fear of what damage that would do to the one who pushed the button. Today, we are facing a threat of a different order. Though it is limited, it is coming from people who will not, we fear, bind to the same rationale of a system of mutual assured destruction.

That is what motivates this bill. I see it as a response not just to the proliferation of ballistic missiles and weapons of mass destruction, but as part of a broader, growing concern that we in the Senate and the American people will have to face to raise our defenses once again here at home.

In the very near future—perhaps within a few months—erratic leaders, tyrants or rogue regimes, will control ballistic missiles possibly armed with weapons of mass destruction that can reach our national territory. One or more rogue states may have the technology to do so today. Equally unsettling is the fact that criminal or insurgent elements from countries in turmoil could also have access to those weapons.

So the threat is real and it is current, and everything we know about the rapid dissemination of technological information and the commercial proliferation of ballistic missile technology and weapons of mass destruction tells us that the threat will get worse faster than we had previously thought.

Until this past year, most observers, intelligent observers, thoughtful observers, believed that the emergence of such a threat was way over the horizon, a problem for the future. A national intelligence estimate written in

1993 and revised in 1995 concluded that no country other than the declared nuclear powers would develop or otherwise acquire ballistic missiles that could reach the 48 contiguous United States within the next 10 to 15 years. But in July of 1998, a commission of distinguished experts, chaired by former Secretary of Defense Rumsfeld, concluded that this earlier estimate was far too optimistic.

The Rumsfeld Commission report found that North Korea, Iran, and Iraq were engaged in concerted efforts to build or acquire ballistic missiles. The panel also found that North Korea and Iran could use these missiles to inflict major damage on the United States within 5 years of a decision to do so. Iraq, a rogue state that has constantly challenged its neighbors, the United States, and the international community militarily for two decades now, so the Rumsfeld Commission said, could inflict major damage on the United States within 10 years. The Commission warned that the ability of our intelligence community to provide timely and accurate warning of attempts to produce ballistic missiles was eroding.

So a problem is growing, with the capacity of the intelligence community to warn us of its forward movement eroded. And then the Rumsfeld Commission predicted prophetically, as it turned out, that Iran would soon deploy a Shahab-3 missile on the way to developing intercontinental ballistic missile capability and that North Korea would soon have a missile capable of hitting Alaska or Hawaii.

Well, unfortunately, the Rumsfeld Commission was right on target. Within a month of its report, Iran did flight test the Shahab-3 missile, and 1 month later North Korea launched its Taepo Dong missiles. We had long known North Korea had strong missile technology. Analysts were broadly surprised that the Taepo Dong was a three-stage missile with enough range to hit parts of the United States of America.

The Iranian and North Korean missile tests validated two of the Rumsfeld Commission's findings. First, that rogue states are in possession of missiles that threaten American territory; and, second, that these states have developed this capability far more rapidly than we had assumed possible and with very little warning.

Recent events in places such as North Korea and Iran have contributed to a revision and updated a speeding up of the administration's approach to missile defense, and I appreciate that acceleration very much. Just a few months ago, in January of this year, Secretary of Defense Cohen announced that the administration would seek \$6.6 billion over 5 years to field a limited national missile defense.

Secretary Cohen explained:

We are affirming that there is a threat and the threat is growing, and that it will pose a danger not only to our troops overseas but also to Americans here at home.

The Taepo Dong I test was another strong indicator that the United States will, in fact, face a rogue nation missile threat to our homeland against which we will have to defend the American people.

The bill before us today, S. 257, is designed to respond to that very real threat that rogue states and organizations with missile technology pose to our Nation. S. 257 states what I think we all believe, which is that we should take action to protect ourselves against this threat. We would be derelict in our duty if we did not. I view S. 257 as a statement of policy, a statement of policy that it is the intention of the United States of America, the administration, executive branch, Members of Congress, shoulder to shoulder together, to develop a defense to this threat which could be a cataclysmic threat that we all seem to agree we are now facing.

So I must admit that I am disappointed by the disagreement that still exists over this measure. The statement of policy that came from the Clinton administration in January of this year seems to me to be reflected in and consistent with the simple statement embodied in S. 257. And yet, there is opposition. I hope that the debate and discussion that we are having today and the days ahead will lead us to find a way to express what I believe we all feel: The threat is real and we have to do something about it as quickly as possible.

As I understand the concerns of the administration and my colleagues in the Senate who oppose S. 257, they are as follows: They argue that this bill considers only technological feasibility in making a commitment now to deploy a national missile defense without taking into account the actual threat, the operation, the effectiveness of the system against a threat, the affordability of the system, including the balance of other critical defense needs, and the impact of the policy stated in this bill on nuclear weapons reductions and arms control efforts particularly with Russia.

I know that some are also concerned that S. 257 contradicts the administration's policy of not deciding on deployment until June of 2000 after a series of tests. Some also fear that this bill will make it less likely that the Russians would continue arms control negotiations. Some still feel that since the administration has budgeted \$6.6 billion for national missile defense development and deployment, S. 257 is not necessary and will not advance the deployment deadline, as the effort is technology constrained, not policy or resource constrained. And there are others who say that this response does not help defend against the most likely methods of delivery such as maritime vessels.

Of course, the most likely methods of delivery, if they are in fact the most likely methods of delivery such as maritime vessels, if I may start with the last argument, should only lead us to

want to accelerate the development of a limited defense because delivery from the water, from the oceans may speed up the date by which the United States will be vulnerable to this attack.

Let me try to respond to some of the arguments that have been made. First, while it is true that S. 257 does state that the United States should deploy a limited national missile defense when technologically feasible, that is a broad statement of policy which does not preclude consideration of other important factors. It simply says—and I hope when I join with Senator COCHRAN, Senator INOUE and others, that it would be a broad enough statement of policy—that it would lead a broad bipartisan majority to feel comfortable coming to its support.

The fact is that we will consider questions of affordability and other questions each year, as we in Congress carry out our responsibility to authorize and appropriate with regard to a limited national missile defense and other defense programs, to decide how to proceed and how much money to devote to the program. To me, that is implicit in the bill, because it is inherent in the legislative process. A policy statement saying that it is our intent to deploy a national missile defense when technologically feasible doesn't mean it will happen automatically or overnight, it doesn't mean that Congress will be precluded from participation in the program and that the Ballistic Missile Defense Office will essentially be given a blank check. Quite the contrary. Each year we will authorize—which this bill does not do; it is a policy statement—and we will appropriate, which this bill most certainly does not do.

Though I think that is clear from the wording in S. 257, I am very pleased to be a cosponsor of the amendment which has been laid down by the Senator from Mississippi which makes clear that this policy that we would declare in S. 257 is subject to the annual authorization and appropriations process.

As to the question of the administration's policy or plan to make a judgment about deployment in June of 2000 based on some tests that will be done by then—four tests, I believe, that would be done by then—to me the bill before us neither negates nor endorses that policy. In fact, under the bill before us, it is possible that the decision to deploy would not be made until well after June of 2000, because the threshold of technological feasibility, technological possibility, would not have been reached. But the fact that we are not ready now to deploy a system surely cannot mean that we should not now declare our policy to deploy such a system, to get ready to defend our territory and our people as soon as possible. In fact, we should declare that policy unequivocally, and I think this bill, S. 257, gives us the opportunity to do that.

Let me now talk of the concerns about the impact that passage of this

bill will have on our relations with Russia and particularly on arms control negotiations that are going on with Russia. I have long supported those negotiations, they are so clearly and palpably in our national security interests. They have run into obstacles along the way—START agreements ran into political difficulties in the Russian Duma. But of course we are part of a process in which we are trying to move those forward in our national security interests.

But I must say, I fail to see how passage of this measure, in which we in the U.S. Senate would be declaring our intention to develop a limited national missile defense, should be stopped by our concern about what I believe is a misunderstanding or misapprehension, if in fact it exists, in Russia, about our intentions here. In all the debate and discussion I have heard about the development of a national missile defense, a limited national missile defense, I have not heard anybody—certainly I have not, Senator COCHRAN has not, Senator INOUE has not—suggest that the country we are developing this defense against is Russia.

The countries we are developing this defense against are rogue nations, subnational groups that may attempt to inflict harm, intimidate us, leverage us to extract compromises on our national security from our leadership—not Russia. In fact, I believe the administration has spoken these words to the Russians.

We have common enemies here in these rogue states. This system is not being developed against the nations of the former Soviet Union or Russia. This is not star wars. Star wars was aimed at—speaking simplistically, if I may—putting a security umbrella over the United States to protect us from a massive ICBM attack from the Soviet Union. This is a highly limited system aimed at trying to preserve a measure of security for our people against limited missile attack from rogue nations.

So I am puzzled and troubled about why we should not simply state our policy to develop a defense of our homeland against rogue nations because there may be some in Russia who misunderstand our intention. We understand that doing so will compromise the ABM Treaty, negotiated in a very different context for very different reasons more than a quarter of a century ago at the height of the cold war. That is why top level officials of our administration have already begun to speak with the Russians about our intention. It is clearly evident from the policy that Secretary Cohen articulated in January, clearly evident from the additional billions of dollars that President Clinton has put into the defense budget in the coming years to accelerate our development of a national missile defense. But I, for one, would feel irresponsible—put it another way. I would feel we had not worked hard enough to reassure the Russians that this national missile defense that we state in

this measure that we intend to build is not aimed at them. It is aimed at common enemies that they and we have.

The fact is, in some measure the content of S. 257 is an honest expression to the leadership in Russia, with whom we are working on so many different matters, that this has now become a matter of American national policy—self defense. And, as much as we value good relations with Russia, as much as we adhere to our treaty obligations, we are saying to them here that we have made a judgment in our own national self-interest and self-defense that we must develop a limited national missile defense and therefore we must begin, as we have, to renegotiate the ABM Treaty. But to not go ahead with this policy statement for fear of the way it will be misread in Russia seems to me to be an underestimation of both our relationship and of our ability to speak truth to the Russians and of their ability to understand it.

So, mindful as I am, respectful as I am of the importance of ongoing arms control negotiations with the Russians, I think we do not serve our national interests if we yield to that misapprehension when we know that this system is not being developed to defend against hostile action by them.

Mr. President, we need the national missile defense. We face a real and growing threat that cannot be countered by our conventional forces and which will not be deterred by the threat of retaliation. Remember, Russia, on whom we are focused in our judgment on this measure—and some are focused to the extent that they will oppose it because of concerns in Russia—we and the Russian-dominated Soviet Union reached this meeting of minds during a cold war that we were each rational enough to be deterred by the threat of massive retaliation. Deterrence, after all, requires rationality. By definition, accidental, unauthorized, or rogue acts are not the acts of rational leaders and cannot be reliably deterred.

Thus, we have a choice: Either we will endure the possibility of limited missile attack on our country with weapons of mass destruction, or we will commit ourselves, with all that we have in us, and will state so honestly in this measure, that we are going to do everything we can to defend against such an attack.

I don't agree that this measure is not needed. It is needed. It is a clarion statement of policy about a critical national security vulnerability at an important transitional period in our national history. The fact is, its very existence has already acted as a catalyst in moving this debate forward, the debate about the threat. After all, congressional concern about this led to the Rumsfeld Commission, which led to the report, which predicted the North Korean-Iranian action, which now has led to a coming closer together between congressional opinion and administration policy.

Mr. President, both sides in this debate are, after all is said and done, separated by very little. A critical national security decision such as this should not be partisan. The amendment that Senator COCHRAN and I and others, I believe Senators WARNER and INOUE, put down, which makes clear what was implicit before, that S. 257 will naturally be subjected to the annual authorization and appropriations process, makes clear that Congress each year will consider the affordability, the extent of the threat, the impact funding of this system has on other defense needs, and even the impact of the level of funding on our relations with Russia and other arms control negotiations.

I think that defending against limited missile attacks is something that all of us, both parties, 100 strong, clearly want to do. I take it that the disagreement is how to do it and what we should express, if anything, in a statement of policy. This is such an important matter and at such a critical moment that I hope in this debate we will listen to each other, that we will reason together, and that we will ultimately come up with a proposal here that a broad bipartisan majority can support.

I thank the Chair, and I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from Mississippi.

PRIVILEGE OF THE FLOOR

Mr. COCHRAN. Madam President, I ask unanimous consent that the privilege of the floor be extended to John Rood and Gordon Behr, who are legislative fellows from the staff of Senator JOHN KYL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I have sought recognition to support the pending legislation. I am listed as a cosponsor, and I believe that it is an important statement of U.S. policy which we ought to adopt. This is one of the most direct bills that I have seen in my tenure in the Senate, providing:

It is the policy of the United States to deploy, as soon as is technologically possible, an effective national missile defense system, capable of defending the territory of the United States against limited ballistic missile attack, whether accidental, unauthorized or deliberate.

The most basic purpose of government is to protect its citizenry. The most basic purpose of the Government of the United States of America is to protect the people of the United States from foreign and domestic dangers. We have focused a great deal of attention on the threat of weapons of mass destruction, and the top of the list involves the issue of ballistic missile attack.

Beyond ballistic missile attack, we know that there are many other con-

cerns of biological warfare and chemical warfare. Right now a commission is working to try to streamline the Federal Government to try to make some organizational sense, organizational improvements out of the 96 separate agencies which now deal with weapons of mass destruction.

During my tenure as chairman of the Senate Intelligence Committee, working collaboratively at that time with CIA Director John Deutch, a provision was inserted in the Intelligence Authorization bill in 1996 to provide a commission to take a look at the 96 separate agencies dealing with weapons of mass destruction. We find that the Department of Health and Human Services is involved in this venture, as is the Department of Defense, as is the Department of Justice. Tomorrow we are holding a hearing on some aspects of the domestic problem.

Internationally, the strategic defense initiative has been a hotly contested subject for debate for more than a decade, going into the early administration of President Reagan when he articulated the idea of a strategic defense initiative, popularly known as Star Wars. At that time many people debunked the idea that there could be a shield to protect the United States from a ballistic missile attack, and we have relied upon the theory of mutual assured destruction—accurately labeled, in shorthand, MAD, for mutual assured destruction—with our basic defense posture being that the Soviet Union, our principal adversary, would not fire ballistic missiles at the United States because of fear of retaliation, so that the balance of power was maintained.

More than a decade ago, we had some very lively debates on the Senate floor as to whether the Anti-Ballistic Missile Treaty should have a narrow or a broad interpretation, going back to the origin of the treaty, the history. The debate then was whether we might be able to deploy some sort of strategic defense initiative under a broad interpretation of the Anti-Ballistic Missile Treaty. That treaty, entered into in 1972, has been a subject of very extended debate on the floor of the U.S. Senate and beyond. It may well be that with the enactment of this policy, there will have to be some negotiations with Russia, with other parties to the ABM Treaty. It was entered into by the Soviet Union, which no longer exists. There have been many modifications of the policy with the former Soviet Union, with Russia, where the United States, under the Nunn-LUGAR program, has appropriated very substantial sums of money to acquire and destroy Russian missiles, missiles formerly housed by the U.S.S.R. I do believe that with the changing relationship between the United States and the former Soviet Union, and with the expansion of NATO, a move that many thought Russia would never tolerate but now has become acclimated to,

there are signs of a maturation process, a changing relationship between the United States and Russia.

I do believe that it is important to have talks with Russia about the Anti-Ballistic Missile Treaty, but I do think that the treaty is subject to modification. There are provisions for revocation of the treaty on notice by the United States, but we now face a very different kind of a threat. We now face a threat, perhaps, from North Korea, perhaps soon from rogue nations like Iran or Iraq. It is none too soon to look toward the deployment of a national missile defense system which is intended to deal with the threat posed by the rogue nations.

The technology is very hard to calculate as to what can be achieved.

When President Reagan articulated the principle, or the idea of a strategic defense initiative, people said it was impossible. I recall reading a commentary more than a decade ago about Vannevar Bush's comment back in the mid-forties, about 1945, when Vannevar Bush said it would be an impossibility to have intercontinental ballistic missiles. Now look at what has happened; we have them by the thousands.

In 1965, then Secretary of Defense McNamara said that the United States was so far ahead of the Soviet Union that they could never catch up. They did. For a time, they passed the United States, until we rearmed America, leading, in effect, to the bankruptcy of the Soviet Union and the disintegration of the Soviet Union in 1991.

There is a story many people believe to be apocryphal, but it is a true story, about a man who worked for the Patent Office shortly after the turn of the 19th century who resigned his post because everything that could be discovered or invented had been discovered or invented. We see how modern science has produced discoveries, inventions unthought of, un contemplated. So, too, we may be able to find an effective system to protect the United States from missiles from rogue countries.

I believe this is an important bill. We could not bring it to the floor in the 105th Congress because we were one vote short of cloture. There are some 54 cosponsors on this bill, and I believe it articulates a very important principle, to defend America, to defend Americans and to find a national missile defense system which would protect our country against rogue nations, against accidental, unauthorized, or deliberate attacks.

We will have other considerations to deal with regarding Russia, other considerations to deal with in relation to China where recent events have shown advances in China's missile technology, in part, according to reliable reports, as a result of China having gained access to United States technology through espionage. But this principle—of having a national missile defense policy—is something which ought to be adopted.

I thank the Chair and yield the floor.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

PRIVILEGE OF THE FLOOR

Mr. REED. Madam President, first, as a procedural matter, I ask unanimous consent that Anthony Blaylock, a defense fellow working in Senator DORGAN's office, be granted the privilege of the floor during debate on S. 257.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Madam President, we are here today debating an issue of fundamental importance to the United States and to the world community, and that is whether or not we will adopt a resolution of this Senate to proceed with a national missile defense as soon as it is technologically possible.

As many of my colleagues have indicated, I believe there is strong recognition of the need for the careful deployment of a national missile defense because we are at a historical crossroads.

First, there have been technological advances by rogue states which, for the first time, allow them in the near future to be able to launch intercontinental ballistic missiles that would strike the territory of the United States. That, in and of itself, has focused our attention, our resolve, and our commitment to begin accelerated development and, one would hope, the eventual deployment of a national missile defense.

But the issue before us today is whether this legislation, S. 257, will materially aid that effort without unduly complicating our ability, first, to defend the United States and, second, to maintain the regime of deterrence that has lasted throughout the cold war and has avoided to date, and we hope indefinitely, the use of nuclear weapons in the world.

I mentioned that we are at a historical crossroads, the first element of which is the fact that rogue nations can, in fact, begin to launch in the near future intercontinental ballistic missiles. But the second aspect of this historical crossroads is the fact that we have been maintaining over decades a strategic balance which always contemplated limits on offensive capability and which has led to treaties between ourselves and the former Soviet Union, and now Russia, with respect to limitations on offensive weapons. Complementing that has been, since 1972, the limitation on antiballistic missile systems.

Sometimes I think we take this balance for granted. We assume that is the way it always will be because it exists today. But we are seeing pressure on this balance. First and most obviously, because of the collapse of the Soviet Union and the constrained position of Russia, we are seeing some operational wearing around the edges in terms of their ability to maintain the same type of controls that they had at the height of the cold war.

We are also seeing a situation where operationally they might, regretfully, be a little bit quicker on the draw, since they do not have the same type of panoply of long-term observation or radars that they had or those that they have are beginning to deteriorate.

The point I want to make with respect to strategic balance is that this is not something automatically that comes into play, it is something that has to be sustained and maintained, and when we look at legislation like the bill before us, we have to seriously ask the question, Will this aid the maintenance of this strategic balance, or will it give incentives to act unilaterally? That is a serious question which I think we have to address.

There is a second factor with respect to the historical crossroads, and that is, for the first time in recent memory, Russia, as the legatee of the Soviet Union, is not able to match dollar for dollar, ruble for dollar, if you will, developments that we, in fact, might put in place. Unlike the cold war, where they could accelerate their offensive missile capability by putting out more launches if we did something, they cannot do that too easily. Nor could they easily copy an extensive national missile defense if we put it in place. Again, this is another strategic aspect that has to be considered when we consider this legislation.

All of these issues together suggest a few things. First, we have to seriously address the issue of the rogue state with intercontinental ballistic missiles, but, just as seriously, we have to be concerned about doing something that might destabilize the overall arms control regime in the world. What we want to avoid is the temptation for states with nuclear weapons and a capacity for intercontinental-range launches to start taking unilateral actions which may imperil us just as much as the development of missiles by a rogue state.

Having said that, I think we can look at the situations which we potentially are trying to cover with this national missile defense and pose two questions which I think are at the heart of our debate.

First of all, we are really focused at this juncture, with respect to this legislation, on what is called the simple case, as the Ballistic Missile Defense Office will describe it, the C-1 situation: A few simple ICBMs, no sophisticated countermeasures. In that context, we are proposing to create a system to deter that threat and also, in some respects, to undermine or simply, hopefully, to modify, through mutual assent, the arms control regime in the ABM Treaty. That is just one situation.

The second situation is what they call C-2. That is not just some simple ICBMs but a few advanced ICBMs—those having, for example, multiple independent reentry vehicles and some more sophisticated countermeasures.

Finally, the category of many sophisticated reentry vehicles, many with

independently targeted warheads, and also with sophisticated countermeasures.

For this latter category we have to ask ourselves, is that technologically possible, national missile defense scoped and designed for the first simple threat going to meet what might evolve into the more complicated threat? That is a technological question. I think that is a question that gives us some pause in the sense of rushing into this, this declaration that we are going to do it now and we are going to do it with respect to the rogue nation threat.

Again, I think we have to ask two basic questions: First, will this first technologically possible solution be the best solution, not just to our short-run dilemma with respect to potential missile development in North Korea or Iran but over time as these systems may well evolve from a simple missile threat to a very sophisticated missile threat? Then second, we have to ask ourselves, will we build a system designed to counter this simple threat, the rogue threat, and cause, unwittingly, the precipitation of a much more sophisticated threat—to cause, unwittingly, powers like Russia, that have the capacity to put MIRVs on top of their launchers, to have, through strained resources and through frayed nerves, perhaps the potential to shoot a little quicker than they did in the cold war? That, I think, would be a tremendous misstep in maintaining our strategic balance.

For all these reasons, I suggest that we must move with caution—with deliberation but with caution. I think we have to move not with some single-factor analysis, simply “technologically possible,” but with a multifaceted analysis which I hope would undergird all our decisions with respect to momentous decisions and costly decisions. We have to consider cost. We have to consider the evolution of the threat. We have to consider our diplomatic relationships and the fact that we have maintained this nuclear balance through mutual decisions.

First we maintained it through the policy of mutual assured destruction. We built enough offensive weapons so that no enemy thought they could conduct a successful first strike. And then we moved down a much more promising road by talking about limiting offensive weapons and limiting defensive weapons through diplomacy.

The rejection of this mutuality would be a casualty which I do not think any of us would like to see. So I think we have to be very, very careful. And if we need an anecdote to suggest the care which we must devote to this exercise, I think it could be seen from a story I recently read in the Washington Post about an incident that took place on September 26, 1983, where a Russian lieutenant colonel was sitting in his bunker and suddenly all the lights went on that said “start.” And what the “start” meant was to start a nuclear retaliation round.

But because of that officer's judgment, in the environment of that time of 1983, an environment in which the thought was that a nuclear attack by the United States would not be possible—the fact that there was no effective ABM system providing national defense—the fact that the operative motivation was not ordering a counterstrike but waiting for further information, that could be changed by what we do in the next several months, particularly, I think, if we do not make a good-faith effort to modify, through negotiation and through mutuality, the ABM Treaty.

We could have a situation in which, through an error of software, an error of misperception, instead of waiting the extra second, a lieutenant colonel in the Russian rocket forces could decide that this very well could be an active launch by the United States and that his only recourse is to launch a retaliatory strike.

So we have to be careful. I believe that such care would lead us, I hope, to consider legislation that does not just talk about technological possibility but talks about a range of things, including, we hope, a mutual adjustment of the ABM Treaty.

Missile defense is a situation, a topic, that has followed us since 1940, when we first became aware that Germany was developing intercontinental ballistic missiles. It has followed us through my entire life, and it will go on, we hope, without a dramatic conclusion, for as long as we can foresee. We have been able to manage these issues, and each administration has taken them seriously, and the Clinton administration is no stranger to the seriousness of this endeavor.

We have also seen changes in terms of programs, in terms of budget. Just a few years ago, in the Persian Gulf we discovered that there was a real threat to our theater forces, our forces in the field, and we began actively upgrading our theater missile defense, a program which we also bought and which we consider to be vital to the operational effectiveness of our forces around the world.

In 1996, the administration announced that they were moving forward with respect to national missile defense with their 3+3 approach. That would be 3 years devoted to research and development, a deployment decision due in June of 2000, and then, if required, the deployment would take place within the next 3 years. All of this, of course, supposed and presumed that there would be active discussion with Russia and others with respect to the ABM Treaty.

We have devoted not only conceptual energy to this project, we have also devoted dollars. We have increased the administration's proposal for efforts through fiscal year 2005 to the order of \$10.5 billion. This is not a project that is languishing without financial support and financial resources.

In short, in sum, both the Congress and the administration agree on the

importance of missile defense, of providing the resources to do that, and are hoping that we can in fact develop a technologically feasible, cost-effective system that will be appropriate to our needs and also, hopefully, will be agreed upon by the world community as a necessary part of our defense.

I have mentioned before what I think some of the limitations are of the approach that we are debating today with respect to S. 257. Principally, it is the sole reliance upon one criterion, and that is, “technologically possible.”

There are other parameters that we have to look at.

The threat: Again, today we are looking at a very limited threat, that C-1 threat, a rogue nation with a simple IBM, without any countermeasures. But that threat quickly will mature to something else. It does not take too much to incorporate countermeasures on our reentry vehicle. And once we do that, we might be into a configuration of national defense which does not fit that neat picture of what is technologically possible right now.

Of course, we have to look at cost. And it is not just an issue of cost in and of itself, it is the classic issue of opportunity cost. To develop this system immediately might preclude us from taking other steps which are just as important with respect to our defense, with respect to our missile defense, with respect to other aspects of our defense policy.

And then we certainly, I think, have to look at the effect on arms control agreements.

Consideration of these factors I think would mitigate against unconstrained, unconditional support for S. 257 and would suggest that we would amend this measure and adopt a more comprehensive and a more realistic approach to the decision matrix we face when it comes to national missile defense.

Just briefly, there is a threat out there; no one is denying that. The administration is not denying it. No one in this body is denying it.

We have seen just recently, in May of 1998, India and Pakistan conduct nuclear tests.

We have also been the beneficiaries of the Rumsfeld Commission report that anticipates the ability of a rogue nation to have an intercontinental capability by the year 2010.

Then, on July 22, 1998, Iran test fired an intermediate-range ballistic missile capable of hitting most of the Middle East.

Then, finally, perhaps most chillingly, on August 31, 1998, North Korea launched a Taepo Dong 1 missile that was far more advanced than we thought capable at that time. These threats are serious. They are not taken lightly.

It is because of these threats that we are moving and committing dollars for the development of a national missile defense system. As General Shelton, our Chairman of the Joint Chiefs of

Staff, pointed out in "Seapower" magazine:

There are other serious threats out there in addition to that posed by ballistic missiles. We know, for example, that there are adversaries with chemical and biological weapons that can attack the United States today. They could do it with a briefcase—by infiltrating our territory across our shores or through our airports.

Essentially, it raises the issue that if we, in a break-neck race to just deploy our first technologically possible system, all of these resources—are we missing out on providing effective deterrence and defense for these other approaches? I think we raise that issue with respect to S. 257.

Now, the other aspect of this is we don't want to buy a system with billions of dollars that will work for a couple of years and then be obsolete. We don't want to go through the trouble of renegotiating a treaty—or perhaps the worst case, of walking away from a treaty for a system that is just not going to work.

William Perry, our former Secretary of Defense, put it well when he said:

Think of this problem in terms of buying a personal computer for college. If you had ordered your computer as a high-school sophomore it would have been obsolete by the time you started college. It would lack the capabilities you now need and would be impossible, or prohibitively expensive, to update.

In many respects, that is the same type of intellectual dilemma we face today. Putting a system in the field because it is technologically possible might not be the best approach. That is the only criterion in S. 257.

We know this is also a very difficult technical problem, essentially because we are using "kill" vehicles that are target upon target, using kinetic energy—i.e. impact. It is like a bullet hitting a bullet. That is a tough problem. In fact, we have had very few successes in the experiments we have tried to run to date. So few, in fact, a Pentagon review panel has called the program to date a "rush to failure." We don't want to rush to failure. We want "progress to deployment" of a system that works for us, defends the country and maintains our strength—not just in the small case of a rogue nation but in the larger case of international nuclear stability.

Now, S. 257 will require us to deploy this system as long as it is technologically possible. Again, one could ask, what does that mean? Is that the first step that succeeds? Is it a series of two or three tests to succeed in any case? That type of analysis alone is not, I think, the optimal way to approach this issue.

As I mentioned before, we have to consider costs. Between 1984 and 1994, the Congressional Research Service estimated that the Pentagon spent \$70.7 billion on ballistic missile defense activities, yet no system was deployed. I hope valuable information was gained and research could be applied to the ongoing projects, but \$70 billion was

spent in a decade without the breakthrough deployment, the breakthrough technology of a system. Again, we have to consider costs.

Just the simple preparation of one site for a national missile defense would range between \$6 and \$13 billion. These costs would be justified in many respects by the threat if we are confident or more confident that the system we are putting in place would be something that could evolve to the greater threats in the future and is something that really does provide comprehensive protections to the United States—not just today but in the future. This legislation does not call for such a comprehensive measure in which to determine whether to deploy or not to deploy.

As mentioned before, every dollar we spend on national missile defense is important, but there are some other measures of defense which are equally important and which may find themselves shortchanged if we have this rush for deployment as soon as we are technologically possible. Again, we have to consider, I think, this issue in broader terms beyond just technological possibility.

Then we have to consider, as I have mentioned, the effect of arms control agreements. Since 1940, we have been wrestling with this issue of how to defend the United States against intercontinental ballistic missiles. We tried to develop defense mechanisms. We have had systems in place. We were developing in the 1970s and the late 1960s a central system. The central system turned into Safeguard and Safeguard was moving forward, but at the height of the cold war at a time when the tensions between ourselves and the Soviet Union were extremely pronounced, President Nixon negotiated and ultimately agreed to an antiballistic missile treaty. In fact, this treaty limited what was technically possible. The Safeguard system was going in place to protect our ICBM fields. It was technically possible, it was thought then that we would be more secure if we limited the deployment of ballistic missile systems—mutually limited—amongst ourselves and the Soviet Union. That decision was made. That decision has stood the test of time to date.

The ABM Treaty has been questioned over time, but it has provided us a situation where we have a more stable balance between ourselves, certainly, and at one time the Soviet Union, and now Russia.

I think, however, recognizing the rise of these rogue states with their missile capability, it is appropriate to look at ABM. It is appropriate to go back and attempt to modify the treaty—modify it not just in terms of the simple case, the C-1 case, but look at it in terms of modifications that will carry us through the medium and the long run for systems that very well may not be technically possible today or in 2 years but would be extremely important, in-

deed perhaps necessary, in 5 to 10 years. We could do this if we negotiate with the Russians.

We have to ask ourselves what kind of message S. 257 would send, basically saying we are going to deploy this as soon as we think it works, without any mention of negotiation of ABM. I don't think it sends the right message. It sends the message at a time when the Soviet missile force has been transferred to the Russians. We know it is fraying on the edges in terms of command control, in terms of its replacement, in terms of its technological sophistication.

Again, do we really want to change what was the operative rule in the cold war—that a missile strike by the United States, a first strike; or by Russia or the Soviet Union—would be unlikely if not impossible? That is the type of mindset which gave a lieutenant colonel in the Russian rocket forces the gut feeling to disregard all the warnings on his computer and on the screen to say, "This can't be right; it would be reckless and foolish for the United States to launch five or so missiles against us." We certainly don't want a situation where some lieutenant colonel says, "They have an ABM system which they put in unilaterally without our consent, over our opposition. You know what? Maybe these five missiles are more than a mistake on my computer."

We have to be very serious about this. I know we are all serious, but I suggest, and I think Senator LEVIN would suggest later, that this legislation could benefit mightily from the amendments that at least acknowledge the importance of negotiation, the importance of cost estimates, the importance of evaluation or threat before we go forward.

The other aspect of this legislation is that it will not speed up the deployment of a national missile defense. The administration is committed to developing, doing the research, making a decision based on all of these factors I mentioned and deploying a missile defense, at the same time negotiating with the Russians with respect to the ABM Treaty. As the President indicated, if those negotiations are fruitless, if we are ready to deploy, if the threat is there with respect to rogue states, he is quite prepared at that point to make a decision to deploy.

That is a far cry from standing here today saying, "Disregard negotiations, disregard the evolution of the threat, disregard the cost. As soon as we have one successful test we are going to put it in the field." I don't think that is the wisest course. I think we can do better. Indeed, I believe that everyone—the sponsors of the legislation, those who disagree with the legislation—want to do the best for this country and want to ensure that we are protected, want to ensure that in the long run we have comprehensive national

security; that we don't have a situation where we might provide for the inherent missile strike from a rogue nation, yet we have undermined the balance between ourselves and another major nuclear power—Russia or, indeed, China.

I think we can do this, but I think we have to begin with the conception that it is just not one parameter, one criteria, and that it is done in a careful way on a multiplicity of issues like cost, technological possibility, threat, and also maintaining a strong regime of arms control, which has benefited us mightily over the course of many decades.

So I hope very much that we will be able to amend this legislation to reflect those different aspects and, having amended it, to agree unanimously to send it forward to the President for his signature. I hope we can do that in the days ahead. We will see.

At this time, I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Madam President, I rise in support of S. 257, the National Missile Defense Act of 1999. This straightforward bill states that due to the increasing ballistic missile threat we face, "It is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate)." This bill is essentially identical to last year's measure which was filibustered by the minority and failed to gain cloture by a single vote. I would ask those who opposed the bill last year to consider the events over the intervening period which reinforce the arguments in favor of national missile defense:

First, North Korea launched a three-stage missile last August that overflew Japan in an attempt to orbit a satellite. This missile, the Taepo Dong 1, has sufficient range to reach Alaska and Hawaii as demonstrated by the fact that its debris landed 4000 miles out in the Pacific. The range and the presence of a third stage was a surprise to the Intelligence Community, according to unclassified statements by Robert Walpole, National Intelligence Officer for Strategic and Nuclear Programs. Furthermore, successor missile, the Taepo Dong 2 is expected to be able to reach all of the American mainland and may be ready for testing this year. As the Chairman of the CIA's National Intelligence Council noted last October, "An ICBM threat from North Korea is looming."

Second, Iran tested a medium range missile last July that is capable of reaching Israel and U.S. forces throughout the Middle East. This missile, the Shahab-3, may already be in production and Iran, with Russian assistance, is developing a longer-range missile capable of reaching Central Eu-

rope. Russian missile assistance to Iran has continued despite intensive U.S. efforts to halt this deadly trade. As CIA Director Tenet noted in testimony last month to the Armed Services Committee, "Especially during the last six months, expertise and materiel from Russia has continued to assist the Iranian missile effort in areas ranging from training, to testing, to components." General Zinni, our CENTCOM commander has stated that Iran may have nuclear weapons within five years. Iran has been typically bloody-minded in its propaganda. During a military parade in Tehran last year, slogans were written on sides of missiles that read "Israel should be wiped off the map" and "the USA can do nothing". Moreover, last year's hopeful signs that Iranian moderates were gaining ascendancy now look much less clear.

Third, Iraq has achieved its long-sought goal of escaping from UNSCOM inspections. Chief UN arms inspector Butler has stated that Iraq has resumed its weapons programs. There is now no inspection regime in place, the UN embargo is under mounting attack including by erstwhile allies, potential suppliers are eager to be of assistance, and Iraq retains a significant missile production and support infrastructure upon which to build. UN inspectors had uncovered drawings of multi-stage missiles and they are within a decade of an intercontinental missile capability.

Fourth, China continues measured but steady improvement in its existing force of ICBMs which are already capable of hitting American cities. China's ICBMs have benefitted from both the outright theft and the unwisely permitted transfers of American space launch vehicle technology. Recently there have been disturbing published reports that China stole the design of the nuclear warhead of our Trident missile. This sophisticated multiple independently-targeted reentry vehicle or MIRV design has the capability to be a real force multiplier. Moreover, the technology that China obtains from the United States may not remain there. According to a Washington Times report on February 23, China has assisted North Korea's missile and space technology. China has also developed a habit of using ballistic missiles to intimidate its neighbors. On the eve of Taiwan's first democratic elections in 1996, China launched M-9 missiles to areas within 30 miles of Taiwan's two primary ports. A report just released by the Defense Department states that China is engaged in an intense buildup of ballistic and cruise missiles opposite Taiwan. Easy assumptions that the U.S. can enjoy a constructive relationship with China may be rooted in hope rather than reality. Beijing's recent crackdown on the fledgling Democracy Party serves as a reminder that China remains an authoritarian and potentially hostile regime with a highly uncertain future.

Finally, the condition of Russia is cause for serious concern. Russia re-

tains over 6000 strategic nuclear warheads and is still conducting limited modernization even as their strategic forces experience overall decay. While a return to cold war confrontation is unlikely today, the prospects for Russia's successful transition to democracy remain unclear. Their economic meltdown last summer further aggravated problems of nuclear weapons security, and command and control. The competence and morale and, hence, the safety of their nuclear forces are increasingly in question.

The timeliness of the warnings of the bipartisan Rumsfeld Commission Report last summer have been more than borne out by these events. The North Korean and Iranian missile tests followed within weeks of that report. You will recall that the Rumsfeld Commission offered three major conclusions. (1) The missile threat to the United States is real and growing. (2) The threat is greater than previously assessed and a rogue nation could acquire the capability to threaten the U.S. with an ICBM within as little as five years. And (3) we may have little or no warning of the emergence of new threats. How prescient these conclusions were. How quickly they were borne out by subsequent events.

Madam President, the administration is to be commended for its recognition that a missile threat to the United States exists. On January 20, Secretary of Defense Cohen stated that "the United States will, in fact, face a rogue nation threat to our homeland against which we will have to defend the American people" and that "technological readiness will be the sole remaining criteria" in deciding when to deploy a national missile defense system. But subsequent statements by administration spokesman have hedged on this forthright statement and suggested that other considerations may affect our deployment decision. For example, Secretary of State Albright has suggested that any deployment was conditional on the actual emergence of a threat and on the successful renegotiation of the Anti-Ballistic Missile Treaty.

I've just outlined the threat and, in particular, the recent events which demonstrate that it is closer than many believed. There may well be rogue nations with the capability to reach American shores with weapons of mass destruction before we can deploy even a limited missile shield under the administration's most optimistic scenarios of successful tests and timely decisions. And even after Secretary Cohen's announcement, there has been slippage in a key program, namely the Space-Based Infrared System (SBIRS) satellites for missile detection and tracking. I joined several others Senators in expressing my concern at this unfortunate decision by the Air Force to delay development of this vital component of any missile defense architecture. If left unchanged, this decision will delay the deployment of any NMD

system until 2006 when the first SBIRS-low satellites are launched. The bottom line is that the threat is developing more rapidly than our response to it. We cannot afford additional delays while our potential adversaries develop and deploy increasingly capable missiles.

Second, Secretary Albright and other administration officials have spoken of the need to revise the ABM Treaty to accommodate deployment of a national missile defense. Mr. President, the ABM Treaty is an anachronism. It is the last relic of the cold war. Whatever its merit then, it has none now. In fact, some legal scholars believe the ABM Treaty is no longer binding on the United States since one of the original parties to the Treaty has ceased to exist. Renegotiation of the ABM Treaty is likely to prove a long and fruitless undertaking. Russia will not doubt hold out the prospect of START II ratification as they have done for six years now. The United States has purchased START II ratification several times over and we should not do so again. The economic situation in Russia today renders it unlikely that a START II level, let alone a START I level, of weapons is sustainable. To hold hostage the defense of the United States for the constantly receding mirage of START II would be strategic folly. Russia is not the target of American national missile defense except in so far as we seek the capability to defend against accidental or unauthorized launch. We can and should continue cooperative efforts with Russia, but they should not exercise a veto over our decision to defend ourselves against an Iran or a North Korea.

Some of my colleagues on the other side of the aisle have advanced arms control arguments in opposition to missile defense. I suggest that American deployment of national missile defense will actually be a profoundly stabilizing step. If we have the prospect of defending our country from attack by weapons of mass destruction, we are less likely to have to resort to nuclear retaliation. Further, our deployment of a national missile defense will reduce the incentive for nuclear and missile proliferation by our prospective adversaries. It will reduce the ability of a North Korea to successfully blackmail us and our allies with its nuclear and missile programs.

The bill before the Senate does not, however, address the ABM Treaty. The bill does not say what kind of architecture the missile defense system should have. It does not say where such a system should be located, or more generally, whether it should be based on land, at sea, or in space. It does not specify a date by which such a system should be deployed. It simply states a national goal, a goal on which bipartisan agreement should be possible. I am surprised and disappointed that the administration has chosen to oppose this bill, the purpose of which seems identical to the policy announced by the

Secretary of Defense in January. I would have hoped that we could agree on the goal and turn our attention to the means to achieve it.

There is an important debate that has only just begun as to the best means of providing a national missile defense. For example, one option that I don't think has received enough attention is a sea-based missile defense. While the best defense is obviously an integrated land, sea, and space combination, I think it is becoming more and more clear that sea-based systems offer our best near term solution to both theater and national missile defense needs. This is because of their operational flexibility, cost-effectiveness, ability to deploy rapidly where needed, and the potential for ascent-phase intercepts. As you will recall, the ABM Treaty precludes sea- and space-based defenses. Unfortunately, the Clinton administration is attempting to remain within the sacred scripture of the ABM Treaty by proposing one or two fixed land-based sites and hasn't vigorously pursued research and funding of more promising technologies.

We need a better alternative. For my money, that alternative is to develop a robust theater navy system which can provide a limited defense against some strategic missiles possibly at an earlier date than the administration's proposals would allow. Such a system can be a bridge to a complete national defense later. For many years now, the Navy has been heavily involved in missile defense and has invested over \$50 billion in the Aegis fleet which now comprises more than 60 ships with more than 5,000 missile launchers. The Navy is currently working on two missile defense programs to be based on Aegis ships—the area or “Lower Tier” system that will provide protection for point targets against short-range missiles, and the Theater Wide or “Upper Tier” system capable of defending areas as large as several countries against much longer range missiles. The Pentagon's current plans do not call for the Navy Theater Wide system to be deployed before 2010 but this timing is driven by budget constraints rather than technology development. In fact, both the navy and the Ballistic Missile Defense Office have recently concluded that if funding were increased by roughly \$300 million per year, the system could be deployed between 2003 and 2005 without a significant increase in risk.

Madam President, it is a more dangerous world out there than it was two or five years ago. Rogue nations have been able to pursue missile and nuclear programs with little effective hindrance from international proliferation regimes. The past twelve months have witnessed the first tests of the North Korean Taepo Dong I and the Iranian Shahab-3, the latter based on North Korea's No Dong design. Russia flirts with chaos and China once again reminds us that they remain a repressive, authoritarian regime, not a “stra-

tegic partner” in the administration's ill-chosen phrase. Both continue to assist rogue nations in their weapons of mass destruction. The administration's diplomacy has been inconsistent, distracted, and shortsighted at best. Its military programs are hobbled by outdated arms control strictures. Proliferation outstrips anti-proliferation efforts and rogue state offensive weaponry is advancing more rapidly than the administration's programs to counter them. The time has come for the United States to defend itself from the increasing missile threat that I have just described. The Cochran bill is the first step on this path. I urge my colleagues to support its passage.

Madam President, I would like to respond to my friend from Rhode Island and to speak to the question of whether or not we ought to maintain a window of vulnerability, because that is basically what has been presented here. My friend acknowledged the threat to the United States, but said we ought to go slow; after all, this might cost a lot and technology is hard and the Russians are going to be nervous about it. Therefore, maybe we ought to go slow.

Let me remind my colleagues what this amendment says. It is very simple:

It is the policy of the United States to deploy, as soon as is technologically possible, an effective missile defense capable of defending the territory of the United States against limited ballistic missile attack.

Madam President, that is pretty straightforward. We are saying that when it is possible, we should deploy such a system. Why? Because we are threatened. Is that threat sometime off in the future? No. The threat is now. There is a window of vulnerability between the time that we are threatened and the time we can deploy a system to protect ourselves against the threat. Why is this important? We know that Russian missiles can reach the United States already. We know Chinese missiles can reach the United States, and we now know that the North Koreans probably have a missile that can at least reach some of the United States, and they are testing further missiles that would have a longer range and eventually have the capability of reaching the continental United States.

Have we ever been threatened by any of these countries? Yes, as a matter of fact, we have. Back when the Chinese were launching missiles across Taiwan before the Taiwanese elections in an obvious effort to intimidate them, the United States decided to send carriers to the Taiwan Strait. One of the Chinese generals is supposed to have said to an American: “You know, we believe in the long run that you care more about Los Angeles than you do about Taiwan”—the implicit threat being, of course, if you get in our way, if we are ever serious about doing something to Taiwan, we can threaten to launch ballistic missiles against Los Angeles.

Is it fair for the people of the United States, for their leaders, knowing this

vulnerability exists, to do nothing about it, or to take the "let's go slow" approach that has just been suggested by my colleague? I think not. We would be negligent to the utmost degree if we understood that a threat existed, yet, we failed to protect the American people against a potential attack by a foreign country. That is the first and most important obligation of the U.S. Government—to protect the American people.

We now know that ballistic missiles and weapons of mass destruction carried by them are the weapon of choice—and not just by our old adversary, the Russians, but by rogue nations. That is why we should not allow a piece of paper—the ABM Treaty—to get in the way of defending us. Back in the days my colleague was just referring to, the United States and Russia—whether for good reasons or bad—decided we would remain neutrally vulnerable to an attack by the other; thereby, we would create stability. That may or may not have worked in those days.

I argue that there were other factors at play, but let's assume that was the reason. There were only two countries that could threaten each other; therefore, this was a workable arrangement. But to tie our hands behind our back mutually with the Russians doesn't account for today's reality in which there are other nations that could attack us. So while we politely agree with the Russians to maintain a lack of defense against ballistic missile attack, other countries have developed that capability and can threaten us, impede our foreign policy goals and, God forbid, even use the weapons against us with impunity because we don't have the means to defend ourselves.

Some would argue that we have the nuclear retaliatory capability to respond to such an attack. Well, Madam President, I for one would not like to have to launch a massive nuclear retaliation against North Korea, or anyone else, as the price of being attacked myself. I would rather deter that attack in the first place by having a defense—a limited defense—which would threaten in no way the Russian system because it would easily overwhelm it, but which would provide limited protection against an attack by a rogue nation.

I applaud Senator COCHRAN for his perseverance in continuing to bring this before the body, even though many on the other side of the aisle have not up until now allowed us to have a vote on this, and even though the administration strongly opposes it.

What were the arguments posed against the amendment? First is that we should not rush to this, and I think I have already made the point. There is no doubt about the threat here. The window of vulnerability will be in the neighborhood of a minimum of 5 or 6 years. That is too long. Under the administration's plan, we would deploy, maybe in 2005, a system that could defend us—or probably in 2006. We are

talking 6 to 7 years from now. I don't think that trying to deploy this system as soon as technologically possible is rushing in any sense that is bad for the United States. Rather, I see a 6- or 7-year window of vulnerability as the problem. I would like to rush even more. I wish we could create the technology tomorrow and deploy this tomorrow. I don't think waiting 6 or 7 years and being threatened during that interim is rushing too much.

Secondly, my colleague suggested that we have to consider the threat. I don't know of anybody that denies the threat. The Rumsfeld Commission made it crystal clear that the Russians, Chinese, and the North Koreans have the capability, and that other countries will soon have the capability of reaching States of the United States. Now, that is a threat from weapons of mass destruction.

How about the cost? Of course, we have to consider the cost. So how much is this going to cost? Well, about as much as it has cost us to go to Bosnia. The estimates there range from \$12 billion to \$20 billion. Whatever the cost is, certainly protecting the American people from ballistic missile attack ought to at least be as important as what we have spent in Bosnia, shouldn't it? How about 1 percent of the defense budget? That is what we are talking about. The administration is talking about adding about a billion dollars to a defense budget of \$260 billion, or maybe \$270 billion. So, Madam President, that is less than 1 percent of the defense budget. It is a fraction of the overall budget of the United States.

If this represents the No. 1 threat to the United States from rogue nations, and if it is 1 percent of the defense budget, is that too much? How much is too much to protect the American people, I ask my colleagues? Can you put a number on it? I can't. Certainly, 1 percent of the defense budget is not too much.

So first of all, there is a threat and there is a window of vulnerability. We are not rushing this, and we are not spending too much money on it. I challenge my colleagues to answer the question: How much is too much to protect the American people? When we don't even want to see one American life lost in a place like Bosnia, and we go to great lengths to protect our service people when we deploy them abroad because we don't want to lose one person, how much is too much to protect the people of Hawaii or Alaska, the States that are currently threatened by a country like North Korea, which is a country that absolutely cannot be predicted in terms of its behavior?

The third issue is diplomacy. We have the ABM Treaty to deal with. I am going to get into a little bit more detail on that in just a moment because we certainly have to think about strategic stability. We don't want to do anything here that would be so disruptive to our relationships with other nations, that somehow we would find our-

selves in greater danger than from this particular threat. I suggest to my colleagues that there is no upsetting of the strategic stability of the world if we proceed to defend ourselves, especially from rogue nations.

As a matter of fact, I suggest that the deployment of missile defenses to protect the people of the United States will be profoundly stabilizing. If we have the prospect of defending our country against a ballistic missile attack, we are less likely to have to use massive nuclear retaliation, which is more destabilizing. Furthermore, our deployment of a national missile defense will reduce the incentive for nuclear and missile proliferation by our potential adversaries knowing that they can't succeed against us because we have this defense.

That is one of the key things that brought down the Soviet Union—knowing that we were committed to develop what was then the Strategic Defense Initiative to preclude the Soviet Union from ever succeeding in an attack against us. They basically packed it up. They said: We cannot compete with that; therefore, we are going to quit.

It seems to me that a strong commitment to defend ourselves will have the right effect. It will cause other countries to get realistic about the ability to try to push the United States around by the development of these threatening weapons. They will decide that discretion is the better part of valor and will decide that they can spend their money on more useful things. It will certainly reduce the ability of countries like North Korea to successfully blackmail the United States and our allies because we can't defend ourselves against their weapons.

Madam President, let me show, with the aid of a couple of charts, some things that I think are very interesting. This first chart shows the level of offensive weapons, nuclear warheads, permitted under different regimens today under treaties. This is the one we are currently under. It is called the START I. It said both Russia and the United States had to limit our nuclear warheads to about 6,000. So that is where we are.

We proposed, and the United States has ratified, the START II treaty, which almost cuts this in half—down to 3,500. We have been waiting, I believe now for 6 years, for Russia to ratify the START II treaty. They haven't ratified it yet.

We are worried here about making the Russians upset. How about us being upset? For a long time we have said: Let's create a more stable world; let's get rid of these dangerous weapons; you don't need them; we don't need them; let's reduce them down to 3,500—6 years ago. The Russians still haven't ratified. We have given a lot to the Russians as inducements for them to ratify. We bought the START II treaty many times. But they have yet to deliver. So we are still waiting.

Some argue that, because it is so costly to maintain these weapons, actually the Russians would prefer to go right to a more realistic level that they could sustain, a START III level, about 2,000; maybe they can afford to keep 2,000 weapons around; and, therefore, we ought to just jump right over START II and go all the way down to START III. Let's examine that argument for a minute.

It turns out that it is not the ABM Treaty at all, or the START II treaty, that is determining the strategic parity between the United States and Russia with respect to nuclear weapons. It turns out that this stability is created more by a very practical situation; that is, how much can the Russians afford? How much, frankly, can the United States afford?

As it turns out, Igor Sergeyev, the Russian Minister of Defense, last summer told the Russian Security Council that Russia will be unable to muster a strategic nuclear force of more than 1,500 warheads by the year 2010 and that the reasons have nothing to do with armaments control. They can't afford it. Their economy is broken. They have no money. Much of their military force is in disrepair. And, indeed, the only part they have been modernizing is their strategic nuclear offensive capability. As a result, Sergeyev points out that this is the maximum level they are going to be able to maintain with or without an ABM Treaty, with or without a START II or START III treaty.

So it is not what we do with respect to these arms control agreements that is going to dictate the parity of nuclear weapons between our two countries; it is the stark reality of what we can both afford.

Frankly, this level of 1,500 to 2,000 is about where we are going to end up. So it doesn't matter whether we deploy another defensive system or not, or a defensive system against nuclear-tipped missiles or not. The fact is, the Russians are going down to this level because they can't afford to do anything else.

I think, therefore, that the notion that offensive reductions in strategic nuclear warheads will not occur if this bill is passed is simply not borne out by the facts. This bill has nothing whatsoever to do with that. It is happening and will continue to happen regardless of what we do today.

But let's suppose something. Let's make believe something—that some of the arguments similar to those that have just been made are correct and that “Russia would likely retain thousands of nuclear warheads” and somehow they would develop the money to do this that they would “otherwise eliminate” under these arms control agreements. Suppose some miracle occurs and Russia finds the resources to rejuvenate its strategic forces.

What rationale would Russia have for doing this?

Bear in mind that what we are talking about here is a national missile de-

fense system. We qualified it, it says “limited,” and the reason is that we do not intend to build anything more, and we would not build anything more, than a limited system capable of providing a defense against a limited attack, an attack that we currently believe we are threatened by a rogue nation like North Korea, or, given the debate about China these days, perhaps a China, which doesn't have the same quantity of missiles that Russia does.

There are other nations in the world that I will not list that also are developing this capability.

Suppose that when we develop this system, Russia looks at it and says, “How is this going to affect our strategic missile offensive warhead situation? Maybe we ought to have more warheads, because the United States system is going to degrade our capability of successfully attacking them.” In other words, “If they have a good defense, maybe we need more offense.”

I pointed out that the defense we are talking about is a minimal defense, perhaps capable of defending against just a handful of missiles, not the 6,000 warheads that the Russians may have today. If the strategic stability argument is to be believed, it has to be because the Russians would find the idea of the United States missile defense so threatening that they would have to retain thousands and thousands of warheads in order to be sure they could overcome our defense.

So, let's examine the defensive side of the equation.

I have another chart which I think will explain this situation. The offensive warheads again are in red. This is what was originally permitted under START I. You can see that we had about 2,000 warheads at the time. But START I eventually got to the level of 6,000 that I mentioned a while ago. That is where we are today—both countries in the neighborhood of authorized 6,000 warheads. That is the column in red. This is the way it began back when START I was actually ratified, and when the ABM Treaty was created. Back in those days, each side was limited by the ABM Treaty to 200 interceptor missiles. In 1974, at the time the treaty was negotiated, or signed, neither side having plans to deploy the full complement of defensive missiles it was allowed, that number was reduced to 100. That remains the limit today. So both countries have 100 authorized interceptors. Of course, Russia has built its system. We have not built our system.

The limited missile defense system the United States is developing will be capable initially of shooting down, as I said, a handful of relatively unsophisticated warheads. The plans for “Capability 1,” as we will call it, called for deployment of 20 interceptor missiles to do this job—just 20 interceptor missiles. This is the system the administration claims can be deployed by 2005. Subsequently, this will grow to “Capability 2,” which, according to the Bal-

listic Missile Defense Organization, will consist of up to 100 interceptor missiles able to shoot down a somewhat larger number of sophisticated warheads.

Although the concept of operations envisions firing several interceptors at each warhead, let's assume for the purpose of argument that each interceptor will work absolutely perfectly and kill one warhead. That is never going to be the case, but we will give the other side the absolute maximum benefit of the doubt. That means that, at most, as envisioned today, the United States system will be capable of destroying 100 Russian warheads, out of a START III total of no fewer than 2,000, or perhaps 1,500, if Minister Sergeyev is correct. Let's examine what that means.

Back in 1974, when the ABM Treaty was created, there was a 10-to-1 ratio in terms of offensive to defensive, because you had about 2,000 warheads and 200-interceptor authorized capability, although we never built it. We have now built up to 2,000 warheads, and we have an authorized 100-interceptor capability. The blue line here is the defensive warheads, or the defensive missile capability.

So you have 6,000 warheads existing, and a 60-to-1 ratio, because you can only intercept 100 at the absolute most, because you get 1 for 1. Under START II, that ratio would be 35 to 1, because you would have 3,500 warheads and you still have 100 authorized interceptors. Under START III, it would be 20 to 1, because you would have 2,000 warheads, 100 interceptors. Even if Minister Sergeyev is correct, as I said, you would have no more than 1,500 warheads in the Soviet Union and you would have 100 interceptors, for a 15-to-1 ratio—15-to-1 ratio. That is still greater than the ratio that existed at the time of the signing of the ABM Treaty, the time and the age we are trying to go back to and preserve. This is the way things ought to be—1974, a ratio of 10-to-1, offensive weapons to interceptors. That was strategic stability. That was the ratio, the parity that we wanted, and so we negotiated it. That is what is in jeopardy now.

That is what is in jeopardy now, Madam President? If you give the other side the absolute maximum of a 1-to-1 kill ratio, you hit 100 missiles with 100 interceptors, the ratio today at 15 to 1 is still a greater ratio than 10 to 1. How could the Russians be more threatened today with a 15-to-1 ratio of offensive over defensive capability when they were perfectly happy to sign the ABM Treaty back in 1974 with a 10-to-1 ratio? How could this be more destabilizing? How could any Senator argue against the protection of the American people today because it would threaten the Russians because it would be destabilizing, it would create a worse situation than existed back in 1974, when the ratio then was 10 to 1? And it would be 50 percent more than that today—15 to 1.

You cannot argue it; it is illogical. And for the Russians to contend otherwise would be irresponsible. Certainly for us to act on behalf of their irrational objections would be irresponsible on our part.

Incidentally, I might add that this Nation that will allegedly be so angered and concerned about the deployment of our limited defense has the world's only ABM system, nuclear armed, recently upgraded, now in its fourth generation. It is deployed around Moscow with all 100 interceptor missiles allowed under the ABM Treaty. So how is it that a comparable U.S. system cannot be deployed without unduly angering the Russian leadership? They have 100 very modern interceptor missiles today. We have none. So if we have 100 just like they have, how is that going to be destabilizing? It is we who should be arguing about instability, not the Russians.

I think the argument that strategic stability would be somehow upset if the United States did what the ABM Treaty authorizes, and that is create a capability to intercept first 20 and then 100 missiles, would hardly be destabilizing, at least to the point that we should delay or preclude ourselves from doing it.

Obviously, the Russians will complain; it is in their interest to do so. Although the cold war has ended and we still enjoy a much more positive relationship with the Russians, all traces of rivalry have not disappeared. They still find it in their interest when possible to work in ways inimical to U.S. interests, and they know that our defenselessness against ballistic missile attack constrains our actions around the world, and that, in the Russian view, is not necessarily a bad thing.

So one realistically understands that there will be objections, but one must realistically evaluate those objections. I wish my colleague who just spoke a few minutes ago, who so tortuously examined all of the reasons why we could not move forward with this—it is going to cost a lot, the technology is hard, diplomatically we need to think of how the Russians would feel—I wish that we were as concerned about the threat to the United States as we are the feelings of the Russian leadership. And I wish we were as concerned about our ability to project our national interests in our foreign policy against the threat of rogue nations such as the Iranians and the Iraqis and the North Koreans of the world as we are about the feelings of the Russians. Russian soldiers and scientists understand the reality that is portrayed on these charts just as well as we do, and we know that a very limited missile defense system that we have the right to deploy in no way threatens strategic stability, no matter how loudly they may protest that it does. Our relationship with Russia is something that must be taken very seriously, but it cannot prevent us from taking reasonable actions to defend the American people against

threats from other countries. The day that we conclude that unduly taking Russian concerns into account would inhibit our ability to defend ourselves is the day we have to move forward.

So, in summary, strategic stability as defined by the other side in this debate, the ABM Treaty at the time that it was negotiated, which created a 10-to-1 advantage of strategic offensive over defensive weapons, that 10-to-1 ratio is not degraded even under the worst set of conditions that one might imagine in terms of our ability to defend ourselves here, or I should say even under the best of conditions because the ratio will still be 15 to 1 under this condition. It is more likely to be in the neighborhood of 20 to 1 or 35 to 1, the point being that no Russian could feel threatened with this kind of relationship if they didn't feel threatened back here anyway. And this defines the golden mean, remember.

With respect to the cost, I think I have covered that. Even this administration is willing to add money to the budget to pay for what it believes will be a system that it can build when it is technologically feasible. Recognizing that the technology is hard, we provide in this amendment that it is our policy to deploy as soon as is technologically possible an effective missile defense system.

So we are not saying deploy something that is not technologically possible. Yes, we know technology is hard, but we also know we can get there, the administration believes, by about the year 2005.

So to the thought we should not be rushing forward with this amendment, I simply say how long do you want to leave the American people vulnerable? How valuable is it to you to leave the American people vulnerable to a missile attack, or to leave our Nation subject to blackmail, to the threat of such an attack; to prevent us, for example, from defending our friends in South Korea because the North Koreans have a nuclear weapon with a missile capable of hitting Alaska or Hawaii; to prevent us from defending Taiwan against Chinese aggression because they have missiles that can reach Los Angeles; to prevent us from supporting a country like Japan or any of the other interests that we may have around the world?

Eventually, it boils down to this: We have an obligation to defend the American people. We will have the technological capability of doing that soon in the next century. There is a threat to the American people today. The cost of building a national missile defense is not prohibitive. Even if it were 1 percent of the defense budget, it would not be prohibitive—I submit, even if it were 10 percent, but it is obviously not going to cost that much.

So given the nature of the threat, given the fact that technology is taken into account in this proposal, that it clearly is not going to cost too much even by this administration's analysis, and the fact that it will not disrupt

strategic stability in the world, it seems to me that we would be derelict in our duty as representatives of the people not to move forward.

The first step in moving forward is to adopt this simple resolution because, as is clear from the debate on the other side, unless we are committed to deploying a national missile defense, we are going to find excuses for not doing it. And until the Senate and the House of Representatives pass a resolution that says we are going to do this, the bureaucrats and the naysayers and those who don't want to do it will have good reason for not moving forward. We will not have spoken on the issue in a definitive way. That is why I applaud my colleague, Senator COCHRAN. He understands that we have to get an expression of serious intent in order to be able to convince the naysayers to move forward. And that is why adoption of this resolution is so important.

So I urge my colleagues to support this bill when we have a chance to do so; we do it with great pride and with understanding that it fulfills the most important responsibility we have to the American people, and that is to provide for the national defense.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Rhode Island.

Mr. REED. Mr. President, if I may just respond briefly to the comments made by my colleague, the Senator from Arizona.

First, let me again emphasize something that I think is implicit in his statement, and that is we all recognize the threat that is posed by the potential development of intercontinental delivery systems by these rogue nations. No one is discounting that. That has changed the calculus significantly. The question is whether we are going to move forward on the very simple—and one might say simplistic—criterion of "technologically possible," or if we are going to, in this legislation, and in practice, address the complexities of this issue.

Historical analogies are never perfect, but I suspect back in the 1930s when France was debating defense policy, the notion of building a series of concrete forts along their territorial line was not only technologically feasible but ultimately was constructed. But when it came to 1940, the Maginot Line just did not work to defend the people of France. I am not suggesting we are in the same type of debate, but I think it is sometimes too alluring to think in the simple terms of: If we have the technology of doing something, let's do it—particularly when we get to the issue of national missile defense.

The Senator talked about a window of vulnerability, and there is increasing potential, because of the development of these missiles by North Korea and others, of threats to our territory. But I ask that we think also of the potential vulnerability if Russia, for example, decides, because of our actions, to abandon reasonable arms control;

decides, instead, to walk away from START II, to keep their launchers, their land-based systems with multiple independent reentry vehicles which complicate our defense enormously; if it decides, in fact, to more aggressively deploy its submarines with cruise missiles that may have nuclear warheads, all of which could easily defeat the system that we are proposing to spend billions of dollars on today to counter a limited military threat.

Put that new sort of spirit—an ill spirit, I should suggest—together with what one can see as a decaying command and control system and we might be increasing our vulnerabilities by moving forward with this particular legislation.

I think we have to be sensitive to those issues. I would not readily accept the notion that simply because of the number of launchers that we have, the number of launchers that they have, that the Russians would simply disregard our unilateral abandonment of the ABM as not a threat to them.

We feel threatened, I think with good reason, when the North Koreans—a very, very remote and ill-prepared power—begin to experiment with intercontinental ballistic missiles which would have a capability years from now. To hear on the floor the suggestion that the Russians will just casually shrug their shoulders, although we have made no attempt to renegotiate the ABM and we will have a law that says we have to put the system in place as soon as we can technologically do it, I think misreads their character and, frankly, the predictable character of any country—particularly one like Russia which sees its national greatness eroding greatly, to react, perhaps not rationally but predictably—to not be cooperative, in fact creating more vulnerability.

The issue, too, of how much is too much, is a question that can be raised in every context. But, frankly, we all understand that there are opportunity costs, not with respect to using defense dollars for other nondefense matters, but within the context of defense. Take, for example, not the theoretical but the operational possibility of an enhanced submarine fleet which the Russians might deploy with cruise missiles. By the way, those cruise missiles launched reasonably close to our shores could not be countered by any type of national missile defense, C-1, C-2, or C-3.

So, in respect to what we have to do, I think we have to ask ourselves, for one thing, is this the wisest course of action? Are we truly protecting the American public? And there can be many answers to that question. But I hope, in the course of this debate and in the conclusion of this debate, we will simply embrace the reality of the situation. It is not one dimensional. It is not just technological feasibility. It has to do with cost, it has to do with threat, it has to do with the evolution of a threat. It has to do with already-

existing agreements with respect to international arms control.

If we reflect those issues in our legislation, we will find, I suspect, unanimous support for a strong message which would correspond with the administration's message on national missile defense.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to speak in favor of the Cochran-Inouye Missile Defense Act because I think it is long overdue that this Senate take an action that is so very crucial to the security of our Nation. I commend Senator COCHRAN and Senator INOUE for trying so hard to get our Congress to move forward, to deploy this defense system in the face of opposition from the President of the United States.

I appreciate that they have twice come to the Senate and twice been filibustered and have been unable to set this very important national security policy. In fact, the question is, Shall it be the policy of the United States to deploy, as soon as technologically possible, an effective national missile defense capable of defending the United States against limited ballistic missile attacks? It is a very simple question, and most people in this country think we already have a defense to an incoming ballistic missile. But in fact we do not.

We now know that Chinese missiles can reach our mainland. In a few short years, Iran, Iraq and North Korea could also be able to attack the United States. Today, we cannot defend the people of our country nor any place in the world where we have troops on the ground.

The Clinton administration said that we would have 15 years' warning for missiles from North Korea and Iran, but the Rumsfeld report said the danger could arise at any time. I commend former Secretary of Defense and former Congressman Don Rumsfeld for really delving into this issue in a very bipartisan commission. He had a very tough row to hoe. But he said we are going to get to the bottom of this and he did not stop until he had a unanimous report from his commission, some of whom were naysayers in the beginning, that said this danger is upon us and we better do something about it. He gave us the wake-up call, and we should be forever grateful to Don Rumsfeld for having the guts to get to the truth so we would have the facts to back up the need for this security for our country.

Unfortunately, U.S. espionage has shown that China has tremendously boosted its military space and missile capabilities. There is just no good argument against this resolution.

The bill has support from both sides of the aisle. It really shows that people are beginning to be aware that we have a security threat to the United States. This bill is not what many of the crit-

ics have said. It does not mandate a missile defense architecture. It does not authorize a particular funding level. It is not a production decision, and it doesn't lead to the signing of any contracts. Instead, it is a policy statement by the Senate of the United States. But it is an important step for our national security.

America, the innovative Nation that landed a man on the Moon, has built up an impressive array of antimissile technology. We have had a formal missile defense program since President Ronald Reagan launched SDI in 1983, and there were various antimissile technologies in research before that. An operational system is now within our reach. The experts say we could have one in 2 years, 3 years, perhaps 4. But because of misinformation, this promising system remains confined to the laboratory, and the Government has never taken the policy step that is illustrated in this bill.

As long as we continue to ignore this basic policy question, we won't have an antimissile protection for our country, nor an effective theater defense for our forces and allies abroad. We have a chance to take that first step, and it is time that we did this.

What do the opponents of a missile defense system fear so much that they will not even permit us to go forward to try to get the technology in place? The danger of ballistic missiles can no longer be ignored. The Clinton administration stubbornly sticks to the old ABM Treaty.

In a letter to Senator LEVIN on February 3, the President's National Security Adviser, Sandy Berger wrote:

... a decision regarding national missile defense deployment must also be addressed within the context of the ABM treaty and our objectives for achieving future reductions in strategic offensive arms through START II and START III. The ABM treaty remains a cornerstone of strategic stability. . . .

The letter promises a Presidential veto of this measure if it is passed in its present form. Our choice is clear. We deploy a missile defense system as soon as technologically feasible, or we hide behind a 25-year-old treaty with a country that no longer exists. In fact, many legal and treaty scholars believe that as a matter of international law, the treaty terminated when the U.S.S.R. collapsed. How anyone can believe that the ABM Treaty is the cornerstone of strategic stability, when so many nations outside the treaty are flagrantly ignoring its principles, I do not understand, when nearly three dozen countries are building or transferring ballistic missile technology. How does the ABM Treaty protect us from high-tech missiles in North Korea, in Iran, in Iraq and in China?

In fact, Mr. President, the White House cannot even say who the treaty partner is right now. To solve that problem, the administration negotiated a new ABM Treaty, signed in 1997 in New York, that would make

Russia, Belarus, Ukraine and Kazakhstan parties to the new treaty. It would also impose new limits on the most promising theater missile defenses, limits that were never envisioned in the ABM Treaty of 1972. The New York treaty would handcuff us, crippling our defenses.

Where is that treaty now? The Senate has gone on record on several occasions insisting that the new treaty be submitted for our constitutionally required advice and consent, but the President has consistently refused to submit the treaty that would put new countries into it to the Senate for ratification.

Have we learned nothing from the Rumsfeld Commission report, from the test of a three-stage ICBM by North Korea that went right over Japan where we have thousands of troops on the ground, from the launch of Iran's Shahab-3, from China's own threats? Eight years after the fall of the U.S.S.R., we are still fighting the last war. We are basing our safety in the cold war strategy of arms control with Russia, coupled with deliberate vulnerability to missile attack.

Polls show that most Americans believe we have antiballistic missile protection. Can you imagine our country being vulnerable and not even taking the first step, the first step to a policy that says we are not going to leave ourselves open when countries are threatening that they have ballistic missiles that will reach our shores, based on an obsolete treaty that is not even in the best interest of Russia, which is the country that this administration says is the other party to the treaty? I think we would sit down with Russia, and it would be in both our best interests to have a defense for both of our countries from rogue nations that have already shown that they have ballistic missile capabilities, and some even have nuclear capabilities to put right on one of those ballistic missiles.

Mr. President, there is no responsibility any greater for the U.S. Senate than the security of our country. That we would not pass the Cochran-Inouye resolution immediately and go forward with a technology that would protect our country is unthinkable; it is unthinkable. Yet, we have seen a filibuster of this very resolution twice in the last year in the U.S. Senate. I urge my colleagues not to let one more day pass that this country is not in high gear, pursuing the security of our Nation and our forces in any theater in the field and our allies who depend on us for their protection as well.

Mr. President, we should not let another day pass or we will be walking away from one of the key responsibilities that Congress has, and that is to stand up to the President of the United States, to admit that the ABM Treaty is obsolete and no longer in the best interest of the former U.S.S.R., nor the United States of America, and to say we are going to protect the people of America and the troops that are fight-

ing for our freedom wherever they may be in the world, that we would protect them from an incoming ballistic missile with nuclear, chemical or biological capabilities. That is the statement that we will be making if we pass the Cochran-Inouye bill. I urge my colleagues to do it, hopefully very soon, to start the first step.

This does not appropriate the money. It doesn't designate the authorization. It only says it is the policy of this country to go forward to make the technology something that will work and to put our very best minds on this issue. Then we will authorize it. Then we will appropriate for it. We cannot shirk this responsibility, Mr. President.

Once again, I thank Senator Cochran and I thank Senator INOUE for being determined that on their watch we will do the right thing for the people of the United States of America and all of our allies, wherever they may need us in the future.

Thank you, Mr. President. I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, first let me thank the distinguished Senator from Texas for her remarks on the bill and other Senators who have spoken today on both sides of the aisle on this subject. I think we have a better understanding now of this issue.

UNANIMOUS-CONSENT AGREEMENT

Mr. COCHRAN. Seeing no other Senators seeking recognition on the floor at this time, in behalf of the majority leader, I ask unanimous consent that the Senate resume the pending missile defense bill at 11:30 a.m. on Tuesday and at that time there be 1 hour for debate on the pending Cochran amendment, with a vote to occur on or in relation to that amendment No. 69 at 2:15 p.m. on Tuesday and that no other amendments be in order prior to that vote.

Mr. LEVIN. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, in light of this agreement, the leader has asked that we announce that the next rollcall vote will occur in the Senate at 2:15 p.m. on Tuesday, March 16.

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Members permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGES FROM THE PRESIDENT—PM 16

The PRESIDING OFFICER laid before the Senate the following message

from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 15, 1999.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2144. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report on a violation of the Antideficiency Act that occurred at the Naval Computer and Telecommunications Area Master Station Mediterranean Detachment, Rota, Spain during fiscal year 1993; to the Committee on Appropriations.

EC-2145. A communication from the Director of the Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice and Procedure for Administrative Hearings Before Administrative Law Judges in Cases Involving Allegations of Unlawful Employment of Aliens, Unfair Immigration-Related Employment Practices, and Document Fraud" (RIN1125-AA17) received on March 5, 1999; to the Committee on the Judiciary.

EC-2146. A communication from the President and Chairman of the Import-Export Bank of the United States, transmitting, pursuant to law, a report on the commitment of a Working Capital Guarantee to GSE Power Systems, Inc., of Columbia, Maryland; to the Committee on Banking, Housing, and Urban Affairs.

EC-2147. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Declassification, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Identifying Classified Information" (M475.1-1) received